



**LANCASTER SELECT BOARD**  
**Regular Meeting Agenda - Hybrid**  
**Prescott Building – Nashaway Room**  
**Monday, March 18, 2024**  
**6:00 P.M.**

*In accordance with the Open Meeting Law, please be advised that this meeting is being recorded and broadcast over Sterling-Lancaster Community TV. Members of the public are welcome to attend this in-person or by the remote zoom connection which is provided as a courtesy. Please note that the in-person meeting will not be suspended or terminated if technological problems interrupt the remote connection.*

**I. CALL TO ORDER**

Chair Stephen J. Kerrigan will call the meeting to Order at 6:00 P.M. in the Nashaway Room, located on the second floor of the Prescott Building, 701 Main Street, Lancaster, MA.

Topic: Select Board Meeting

Time: Mar 18, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85621907563?pwd=N3pTckZ6eWN4ZTRXN1Q4alVIMFNMUT09>

Meeting ID: 856 2190 7563

Passcode: 934047

One tap mobile

+16469313860,,85621907563#,,,934047# US

+13017158592,,85621907563#,,,934047# US (Washington DC)

Find your local number: <https://us02web.zoom.us/j/85621907563?pwd=N3pTckZ6eWN4ZTRXN1Q4alVIMFNMUT09>

Residents Have the Ability to Ask Questions via ZOOM.

**II. APPROVAL OF MEETING MINUTES**

Review and take action on the following Select Board's Regular Meeting Minutes:

- February 12, 2024
- February 26, 2024
- March 4, 2023

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

**IV. PUBLIC COMMENT**

*Opportunity for the public to address their concerns, make comments, offer suggestions, or ask questions.*



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**V. ADMINISTRATION, BUDGET, AND POLICY (Vote may be taken)**

1. Kalon Farms – Right of First Refusal
2. Review and discuss Board of Health requests:
  - James Monroe Wire & Cable Corp.
  - United Ag. & Turf
3. Alcohol License Fee Discussion
4. PJ Keating Reports
5. FY25 Budget Finalization
6. FY25 Capital Plan Update
7. Memorial School Request for Proposal (RFP)
8. Review draft Annual Town Meeting Warrant Articles
9. Weights and Measures Fee Schedule

**VI. APPOINTMENTS & RESIGNATIONS**

Appointments

Historical Commission:

- Associate Member John Murphy to become a Member, term to expire June 30, 2024 (ratification)

Resignations

Conservation Commission:

- Shawn Winsor effective immediately

**VII. LICENSES AND PERMITS - NONE**

**VIII. EXECUTIVE SESSION**

**IX. COMMUNICATIONS**

- Next Select Board Meetings: Monday, April 1, 2024 and Wednesday, April 23, 2024
- Town Offices will be closed on Monday, April 15, 2024 in observance of Patriots' Day.
- Annual Town Meeting will be held on Monday, May 6, 2024
- Annual Town Election will be held on Monday, May 13, 2024
- Miscellaneous Correspondence & Memorandums



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6:00 P.M.**

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**X. ADJOURNMENT**

**APPROVAL OF MEETING MINUTES**

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**LANCASTER SELECT BOARD**  
**Regular Meeting Minutes**  
**of Monday, February 12, 2024, 6:00 P.M.**  
**via ZOOM only**

**ZOOM:** <https://us02web.zoom.us/j/89753500851>

**Meeting ID 897 5350 0851**

<b>I. CALL TO ORDER</b>
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Select Board Chair Stephen Kerrigan called the meeting to order at 6:00PM and advised that the meeting was being recorded and broadcast via ZOOM and via Sterling-Lancaster Cable Television.

*Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.*

Roll call vote taken, Jason A. Allison, not present at roll call, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator and Ivria Fried, Town Counsel. A quorum was in attendance.

Mr. Richard Trussell took a roll call of the Finance Committee. Jocelyn Mylott, absent; Stanley Starr, absent; Emily Notaro, present; Michelle Vasquez, present; Richard Trussell, present. A quorum was in attendance.

Mr. Frank Streeter reported that a quorum of the Planning Board was present, taking a roll call. Kendra Dickinson, present; George Frantz, present; Regina Brown, present; Mike Favreau, absent; Frank Streeter, present. Mr. Streeter noted that the second part of their meeting has been posted and followed this meeting.

Mr. Tom Seidenberg of the Conservation Commission reported that while he does expect a quorum, there was not one present at the onset of this meeting. Mr. Kerrigan asked that Mr. Seidenberg notify him when a quorum was present. A few minutes later, Mr. Seidenberg reported that a quorum was present and took roll call. Bruce McGregor, present; Dennis Hubbard, present; Tom Seidenberg, present. James Lavallee and Shawn Winsor were absent.

Mr. Doug DeCesare was present from the Board of Public Works, but other members were not in attendance.

Mr. Robert Alix was present from the Board of Appeals, but other members were not in attendance. While roll call of boards was still in progress, Jean Rich reported that both she and

Dennis Hubbard were present, so a quorum was reached. Mr. Alix took roll call. Jean Rich, present; Dennis Hubbard, present; Rob Alix, present. Members Frank Sullivan and Eric Jakubowicz were absent.

## **II. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

The Select Board hosted a Joint Meeting with the Planning Board, Zoning Board of Appeals, Conservation Commission, Finance Committee, and Board of Public Works Commissioners, as well as other interested parties and Town Counsel, to discuss current and past circumstances and outstanding items surrounding the project commonly referred to as the “Hawthorne Lane Development.” Individual Boards and Committees posted their own agendas separately with the Clerk.

Mr. Seidenberg noted that as an abutter he will recuse himself from voting as a member of the Conservation Commission, although he will speak as an abutter.

Mr. Kerrigan stated that topics needing review included the Open Space piece, the easement, and whether or not the road would be a public road. He asked Chairs of other attending boards if there were other large issues that should be addressed. Mr. Trussell asked to discuss the fiduciary amount on deposit somewhere. Ms. Hodges, Town Administrator, noted that the Massachusetts DEP citations for the water supply needs to be discussed. Mr. Seidenburg noted that in addition to the Open Space Parcel, he is concerned with one outstanding expired Order of Conditions. Mr. Alix deferred to Ms. Rich.

Town Counsel Ivria Fried gave a general overview. She reviewed permitting history, starting in 2015. Because of permitting extensions granted by the Governor during the COVID pandemic, the permit for modified subdivision approval expires on May 19, 2024. The Planning Board, at the request of the developer, can extend that deadline, but this date is currently in place. If the project is not completed or extended prior to May 19, the permit will automatically rescind.

Atty. Fried explained that, regardless of reasons why or why not, there is no valid homeowners association connected with the Hawthorne Lane Development; one was supposed to have been created. Some common areas are held in a trust, one of the conditions of the permit.

Atty. Fried continued, explaining that the booster station is shown on a set of plans that the Planning Board looked at on the Open Space parcel, although the exact location was not shown. Mr. Kerrigan noted that the “booster station” term is used interchangeably with “pump station.” A permit was issued in 2019 to site the booster station along George Hill Road in the Open Space parcel. Appeals were taken; former counsel had noted that while some of the appeals were untimely, ultimately it was upheld. The former Building Commissioner and former Board of Appeals agreed with former counsel, and it was never appealed further, so it is sited correctly in the Open Space parcel. In terms of ownership and maintenance, there is no indication in the record that the Town promised to take it over, however there is some suggestion that it was available to the Town as an option. The permit that DEP issued states clearly that the ownership and maintenance of the booster station shall be done by the Homeowners’ Association until and if the Town decides to take it over. One imperative issue from a legal position is that the Town

needs to have sufficient control over the booster station so that if something goes wrong, because it is connected to the public water supply, we can go in and fix it. There is precedent for this in Lancaster; there is an easement in the Eagle Ridge development to address a similar situation.

Continuing, Atty. Fried said that in terms of the open space parcel, the permitting decisions, and the Zoning Bylaw requires that at least 40%, and here it's 55% of the property be restricted with a Conservation Restriction, or held by the Conservation Commission. So that hasn't occurred yet. That's something that should happen in order for the development to come into compliance with the permit. We can talk about how to accomplish that with the booster station. Just so everyone knows, it's not uncommon for there to be conservation restrictions over parcels that have structures. You can do this a couple of different ways. You can create building envelopes. You can exclude just certain portions of the site. So it's not in and of itself an issue that you're going to conserve a site that has a booster pump station on it, provided the legal documentation to place that conservation restriction addresses the issue that there is a booster pump station, and we will need to do sufficient maintenance, or whoever's in charge of that booster pump station is able to do that maintenance. There was an issue that no one is really talking that much about, so it may be moot and I would defer to DEP in this situation, but we were supposed to get a utility easement over the open space parcel and one of the lots (I believe it's Lot 9, 62 Hawthorne Lane.) We have not seen that easement. I have no record of ever receiving a deed to that effect. So if that's something that the Town still needs for certain purposes we need to address that as well.

Ms. Turner asked, "Did that indicate that it was for water, or is it just carte blanche utility?"

Atty. Fried said that it is just carte blanche utility, although she thought the intent was always for it to be used for water, but the way that it's discussed and drafted is broader than that, so I don't know if we need it for electrical or for water, but that she would defer to town engineers and DPW to guide that conversation.

Atty. Fried continued, stating that the bigger issue that a lot of people have been talking about is the private way and what to do about the private way. As discussed, the permit says that either the Homeowner Association should hold the way or the town could take the way. But it's not a requirement anywhere in any of the permitting documents that the town acquire the way. Current Counsel and/or board members were not around at the time, but from the permits, the Town is not obligated to take the way, and we can talk about what it looks like to take a private way, if that's the route that the town wants to go down. There was reference made to a bank account, so the surety that was involved here, was a restriction on the sale of any individual lots. So the developer was supposed to complete all of the roadwork before he was able to sell any of the lots. That didn't occur here. There is no bond. At some point it looks like the Planning board voted to create some type of account, and the developer may have been willing to do that, and money was set aside. But our office, town staff and the bank themselves can find no indication that the town has any legal rights to those funds. So to the extent the developer is interested in giving us those funds and walking away from the project, and in an exchange we'll take the open space, take the way, take the booster pump station - that's something we can talk about, but legally, we have no ability to seize those funds even after the May 2024 permit expiration. Atty. Fried concluded, saying that this was a very high level overview of many topics, but that in her opinion, Town Control of the booster pump station is the most important issue to be addressed as soon as possible.

Mr. Kerrigan noted that these issues will not be solved at this meeting, but hopefully a framework for resolution could be developed.

Mr. Kerrigan asked Mr. Seidenberg to clarify whether or not the Conservation Commission wanted to accept the land being discussed. Mr. Seidenberg said that he did not believe that the Commission has taken a position, deferring to Vice Chair of Conservation Commission Jim Lavallee (now present.) Mr. Lavallee stated that a position has not been taken, but the former Conservation Agent, David Koonz, had advised against accepting the parcel, calling it “damaged goods” because the pond had been altered and trees in the buffer zone had been cut down. Because there is now a Certificate of Compliance and a restoration plan has been put in place, there may be a change to this position, although the Conservation Commission has not discussed. Mr. Kerrigan asked if this might be put on a future Conservation Commission agenda. Mr. Lavallee said yes, and that discussion could be had about the ownership of the pump house, i.e., would the pump house be owned by the DPW or should the Conservation Commission own it with some kind of easement or use agreement for the DPW.

Atty. Fried noted that ownership of the Open Space is not complete. The parcel was taken by filing an Instrument of Taking due to back taxes, about \$1600. She suggested that an arrangement for ownership at no cost might be made with the developer.

Mr. Kerrigan suggested that if the Conservation Commission does not accept the Open Space land, then the Select Board could accept it prior to the deadline. It would require Town Meeting approval to accept. The Town could seek an easement again, asking the developer to give the land to the Town at no cost and to pay all back taxes. It would then go to Town Meeting for approval and would go to the DPW.

Ms. Turner asked about expenses to the Town, in terms of both money and staff, for maintenance and monitoring, and possible ownership by some other preservation agency. Atty. Fried said that this was possible; Mr. Kerrigan reminded that the Town needs to maintain control of the pumping station because of the link to the public water supply. Atty. Fried concurred that from a legal perspective, control of the pumping station is the most important part of this conversation. Last resort would be through eminent domain, although this is unlikely.

Ms. Turner asked if Atty. Fried has had conversations with the developer. She has not at this point although Ms. Hodges has spoken with him several times, although not in the last 5-6 months. Mr. Kerrigan re-stated the options discussed above for dealing with the pump station. Atty. Fried re-stated that she would be most comfortable with a full easement, and could consider some form of licensing agreement as a stopgap measure until this was completed.

Ms. Turner asked about the utility easement at 62 Hawthorne. Ms. Hodges explained that this is different from the pump station discussion; this is the Fire Road, and Atty. Fried verified that there need to be conversations with the resident/owner at this address.

Mr. Trussell asked what the Town had that could make any of the discussion items enforceable, and how would the mistakes made here apply to further development. Ms. Hodges noted that the

Planning Board is working on new policy that would correctly apply a surety bond to projects like this going forward. Atty. Fried agreed that in this case there is no surety bond to fall back on.

Mr. Lavallee clarified that one option is a conservation restriction where an “envelope” is carved out for the area with the pump station.

Mr. Streeter, representing the Planning Board, referred to Clause #7, which speaks to the developer creating a second utility easement to span one of the lots of the Open Space and to connect to the Eagle Ridge property. Atty. Fried agreed that documentation on the second easement is “a bit foggy.” She said that one option, and the developer would have to be willing to engage, would be to re-open the permitting process. Ms. Hodges noted that the easement for the pump station at Eagle Ridge was never accepted by Town Meeting, but that she has written to them and hopes to close this issue.

Ms. Rich (Zoning Board of Appeals) clarified that the easement that the Planning Board put from the Eagle Ridge property line down to the pump station was in the event that the Eagle Ridge Homeowners Association would ever agree to allow an extension of their water booster station into this project. She stated that the Water Station at Eagle Ridge is owned by their Homeowners Association, and that the Town has no authority to tie into it or make a loop.

Mr. DeCesare (DPW), stated that he has just spoken with former DPW Superintendent Kevin Bartlett, and that the Town never did take over the pump station at Eagle Ridge. Mr. DeCesare stressed that the Town should not take over any pump station until the pumps are inspected.

Attorney Fried clarified that the Town does have an easement on the Eagle Ridge pump house in order to access it for maintenance if something were to go wrong. Weston & Sampson has an operating agreement, paid for by the Homeowners Association. This information will be shared with the DPW.

Mr. Kerrigan, noting that the Planning Board needed to leave this meeting to attend their own posted meeting.

Mr. Hubbard asked about comparing costs for Town Ownership versus easement on the Open Space area and the pump station. Attorney Fried said that without a Homeowners Association, and with the developer being “MIA” that if expenses were incurred the Town would likely have to expend funds regardless of easement or ownership.

Ms. Turner said that problems had been caused by both not having a bond and by issuing certificates of occupancy, and she wanted to make sure both these areas had been corrected going forward. She asked if the Town was “on the hook” if the developer walks away or is not in business.

Mr. Kerrigan cautioned against implying that the developer of the Hawthorne Lane project was not in business, when this is not known to be true. Attorney Fried reiterated that the Town is responsible to maintain the public water supply.

Mr. Trussell asked about the value of the pump station, and if the two pump stations, Eagle Ridge and Hawthorne Lane, could be tied together. Mr. Kerrigan stated that this would require a lot of supposition that there are no current answers for, and that Eagle Ridge is not part of this conversation.

Ms. Dickinson asked about Fire Department feedback, since there have been concerns about water pressure issues. Ms. Hodges stated that there is no truth to this, and that on August 31, the Fire Chief wrote to her stating that water pressure was adequate in this location, and that the easement requirement would help with Fire Department access, not water pressure.

Mr. Streeter suggested that liability insurance, either the developer's or the Town's, might provide some relief to not having a surety bond.

Mr. Kerrigan, in an effort to summarize the meeting, recommended:

- Boards mutually agreeing to having Town Administrator Hodges to work with Attorney Fried to continue working on the easement issues to get ready to go to Town Meeting in some form;
- Conservation Commission to address the easement question and hopefully to define a position on accepting the Open Space land;
- Planning Board to work with the Planning Director and to address whether or not an extension is needed past May 19
- Mr. Kerrigan will work to schedule another joint meeting to discuss roadway issues.

Mr. Hubbard moved to close the Conservation Commission meeting. *Vote taken; Bruce McGregor, Aye; Dennis Hubbard, Aye; Jim Lavallee, Aye. Motion passed. [3-0-0]*

The Planning Board did not adjourn, since they were moving into their own meeting under a separate ZOOM address.

Xxx moved to close the Zoning Board of Appeals meeting. Mr. Hubbard seconded. *Vote taken, Mr. Hubbard, Aye; Jean Rich, Aye; Rob Alix, Aye. Motion passed, meeting adjourned at 7:14 pm [3-0-0]*

Mr. Trussell moved to close the Finance Committee Meeting. Ms. Vasquez seconded. *Vote taken. Jocelyn Mylott, absent; Emily Notaro, Aye; Michelle Vasquez, Aye; Stan Starr, absent; Richard Trussell, Aye. Motion passed. [3-0-0]*

<b>III. ADMINISTRATION, BUDGET &amp; POLICY</b>
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**1. Select Board to Open 2024 Annual Town Meeting Warrant**

*For Annual Town Meeting scheduled for May 6, 2024;  
For Annual Town Election scheduled for May 13, 2024; and  
To set a date for which the Select Board shall close the warrant.*

Ms. Turner moved to Open the Warrant for the Annual Town Meeting to be held May 6, 2024. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-0-0].*

Ms. Turner moved to Open the Warrant for the Annual Town Election scheduled for May 13, 2024. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-0-0].*

Mr. Kerrigan stated that the date for closing the Annual Town Meeting Warrant will be decided at the next Select Board meeting.

**2. FY25 Budget Update & Review – Revised Totals, FTE's, etc.; Draft #2 Distribution**

Version 2 of the Budget has been released. With zero-based budgeting, the current numbers show a General Operating Fund decrease of \$36,577 year-over-year. Ms. Hodges reported that she is still waiting for final numbers from the Nashoba Regional School District.

**3. Acknowledgement of Acting Town Administrator in Administrator Hodges' Absence (2/15-2/24)**

While Ms. Hodges is out of Town, Kelly Dolan, Health and Human Services Director, will serve as Acting Town Administrator. Mr. Kerrigan asked for a vote to ratify this; Ms. Turner moved to acknowledge Kelly Dolan as Acting Town Administrator from 2/15/24 until 2/24/24. Mr. Kerrigan seconded the motion. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [2-0-0].*

**4. Review & Adoption of Forest Legacy Program, request from Lancaster Conservation Commission**

Tom Seidenberg of the Conservation Commission summarized this program. The Land Trust is asking the Conservation Commission to accept Conservation Restrictions, if the Select Board is so willing, on portions of the Town Forest and the Blood Forest currently not permanently conserved. The majority of the land is not permanently protected. This would result in matching funds for a grant program. The Conservation Commission voted in favor of this at their last meeting.

Mr. Kerrigan recognized Robert Lidstone from the Land Trust. Mr. Lidstone explained additional details regarding some privately held parcels of land. He explained that this is an opportunity for millions of dollars in federal money to cover due diligence and land protection for environmental habitat and recreation. Ms. Turner suggested that Victoria **Petracha** and Frank Streeter should be invited to the meeting that discusses this further since they have done an enormous amount of work on this project. Ms. Turner had additional questions on timing and costs. Mr. Lidstone said that the deadline is just under two years from now and that the money currently in questions is probably about \$100,000 which will be reimbursed by the State.

Mr. Kerrigan asked Ms. Hodges to work with Counsel and to place this on an upcoming agenda.

#### **IV. APPOINTMENTS & RESIGNATIONS**

##### Appointments

Historical Commission – Kendra Dickinson, Associate Member

Mr. Kerrigan asked to table this to a future agenda.

#### **V. LICENSES AND PERMITS**

#### **VI. COMMUNICATIONS**

- Town Offices will be closed Monday, February 19, 2024 in observance of Presidents' Day
- Next Select Board meetings will be held on Mondays March 4 and March 18, 2024.
- Miscellaneous Correspondence and Memorandums

#### **VII. ADJOURNMENT**

Ms. Turner moved to adjourn the meeting. Mr. Kerrigan seconded. *Vote taken, Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; meeting adjourned. [2-0-0].*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Alexandra W. Turner, Clerk





**LANCASTER SELECT BOARD**  
**Special Meeting Minutes**  
**of Monday, February 26, 2024, 12:00 P.M.**  
**via ZOOM ONLY**

**ZOOM: <https://us02web.zoom.us/j/87876523393>**  
**Meeting ID 878 7652 3393**

**I. CALL TO ORDER**

Select Board Chair Stephen Kerrigan called the meeting to order at 12:02 PM and advised that the meeting was being recorded and broadcast via ZOOM and via Sterling-Lancaster Cable Television.

*Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.*

Roll call vote taken, Jason A. Allison, present Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator and Town Clerk Amanda Cannon. Alexandra W. Turner was not in attendance.

**II. ADMINISTRATION, BUDGET, AND POLICY (Vote may be taken)**

1. Review and approve the Warrant for Presidential Primaries to be held on March 5, 2024, located at the Town Hall, 695 Main Street, Lancaster from 7:00 AM to 8:00 PM.

Mr. Allison moved to approve the Warrant for Presidential Primaries to be held on March 5, 2024, located at the Town Hall, 695 Main Street, Lancaster from 7:00 AM to 8:00 PM. Mr. Kerrigan Seconded. *Vote taken, Jason A. Allison, Aye; and Stephen J. Kerrigan, Aye. Motion passed. [2-0-0].*

**III. ADJOURNMENT**

Mr. Allison moved to adjourn the meeting. Mr. Kerrigan seconded. *Stephen J. Kerrigan, Aye and Jason Allison Aye. Motion passed; meeting adjourned. [2-0-0].*

Respectfully submitted,

Kathleen Rocco  
Executive Assistant

\_\_\_\_\_  
Jason Allison, Member



**LANCASTER SELECT BOARD  
Regular Meeting Minutes  
of Monday, March 4, 2024, 6:00 P.M.  
Prescott Building, Nashaway Room, and via ZOOM**

**ZOOM:** <https://us02web.zoom.us/j/87365942813>

**Meeting ID 873 6594 2813**

**I. CALL TO ORDER**

Select Board Chair Stephen Kerrigan called the meeting to order at 6:02PM and advised that the meeting was being recorded and broadcast via ZOOM and via Sterling-Lancaster Cable Television.

*Additional materials for Select Board meetings are available at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials.*

Roll call vote taken, Jason A. Allison, present, Alexandra W. Turner, present, Stephen J. Kerrigan, present. Also present, Kate Hodges, Town Administrator.

**II. APPROVAL OF MEETING MINUTES**

Ms. Turner moved to approve the minutes of February 5, 2024. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

**Leveraging AI (Artificial Intelligence) to streamline government records.**

Mr. Allison gave a PowerPoint presentation on the aforementioned topic. He has used proprietary technology and public records to streamline resident access to information and demonstrated how this application could improve information access in Lancaster.

**IV. ADMINISTRATION, BUDGET, AND POLICY**

**1. Discussion of a date to close the Annual Town Meeting Warrant**

Mr. Allison moved to close the warrant on Friday, March 29 at noon so as to have it closed prior to April 1. Ms. Turner seconded the motion for discussion. Ms. Turner asked if the warrant would be printed and mailed to all residents. Mr. Kerrigan explained that the expenses

for this mailing were part of the FY24 budget. Ms. Turner would like to meet again with the Finance Committee prior to closing the warrant. Mr. Kerrigan felt that there was no need for this since there had been no significant change to the budget since approved. Ms. Turner stated that there were other topics that need to be considered prior to closing the warrant. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

## **2. FY25 General Fund Budget Update**

Ms. Hodges reports that little has changed except that some of the school numbers have been received and their final number should be reviewed on March 19. It is estimated that this will add about \$90,000 to the Town's budget, a lower number than was earlier anticipated. The number for Minuteman High School is about \$20,000 lower than was forecasted. Ms. Hodges expects that the net decline in the Town budget for FY25 will be about \$50-60,000. Another factor will be the General Fund/Free Cash, which has been certified at \$2.68 million, the highest in 29 years. Ms. Hodges suggested that discussions should start to take place about how to use this to lower the tax burden. She noted that the Memorial School money that was set aside for an assessment may be able to come from ARPA money in order to match a grant obtained by the Land Trust. This should be considered when the Capital Plan is addressed; it was agreed that this should be on an upcoming agenda.

Ms. Turner asked how the School Department debt would impact the budget. Ms. Hodges reported that in preparing the FY25 Budget she has included an estimated first payment of about \$895,000.

## **3. Verizon Equipment modification**

Ms. Hodges explained that the terms of the lease agreement for one of Verizon's cell towers at 1053 Main Street asks that the Town update their FAA filing and that the Select Board needs to approve these changes. The change needed will reflect the location of the tower more accurately. Ms. Turner moved to approve the coordinates and changes to the FAA filing as requested and presented. Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

## **4. Review of correspondence from the Lancaster Historical Society and discussion of ownership of historical assets and damage to the Prescott Building**

Mr. Kerrigan recognized Ivria Fried, Town Counsel. Attorney Fried stated that damage to the building should be discussed in Executive Session, as part of a discussion about whether it is appropriate to bring suit against the Lancaster Historical Society. She updated the Board, explaining that there have been discussions with the Lancaster Historical Society (LHS) with some back-and-forth to determine the ownership of various items. Both parties have agreed to a meeting, and the Town is waiting to hear from the LHS about a date for said meeting.

Ms. Turner suggested that the meeting needs a defined scope and should be facilitated by a neutral party. Mr. Allison said that the meeting is already set. Ms. Turner stated that tensions

around these issues are high; Mr. Allison disagreed. Mr. Kerrigan noted that both parties are working through Counsel.

Mr. Allison explained that ownership of many, many items has been determined and has required both parties to sort through reams of documentation to ensure that ownership is correct. Ownership of some few items remain in question. Attorney Fried stated that there are a few identified items that the Society believes they are the proper owners of, but they are claiming that there are other items stored in Town buildings, and the Town has been waiting for a list of these items since January 11. She is hopeful that this list will be provided prior to the meeting so that the meeting can be as productive as possible.

**5. Request to participate in Hawthorne Lane Open Space Discussions from Conservation Commission member Tom Seidenberg**

This item was pulled by Conservation Commission member Tom Seidenberg, so was not discussed.

<b>V. NEW BUSINESS</b>
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Mr. Kerrigan noted that the Board is in receipt of a letter from Keith Kopley of Kalon Farms, offering the Town the Right of First Refusal on a plot of land. Because it is new business and therefore not subject to discussion at this meeting, this will be an agenda item at an upcoming meeting.

<b>VI. APPOINTMENTS AND RESIGNATIONS</b>
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**Resignations**

Historical Commission:

Karen Silverthorne, Member – effective immediately

Marcia Jakubowicz, Member – effective February 29, 2024

Mr. Kerrigan acknowledged the resignations listed above, thanking the individuals for their service to Lancaster.

**Appointments**

Historical Commission:

Kendra Dickinson, Member – term to expire June 30, 2024 (fill unexpired term)

Mr. Allison moved to appoint Kendra Dickinson to the Historical Commission with term to expire June 30, 2024; Ms. Turner seconded. Mr. Kerrigan recognized Ms. Dickinson. Ms. Turner asked Ms. Dickinson (402 Oetman Way) about her goals for serving on the Historical Commission. Ms. Dickinson would especially like to improve the historical knowledge for the Town's youth. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Community Preservation Committee:

Housing Authority representative, Marilyn Largey  
Historical Commission representative, Amy Brown

Mr. Allison moved to ratify the appointment of Marilyn Largey as the Housing Authority Representative and Amy Brown as the Historical Commission representative to the Community Preservation Committee; Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

<b>VII. LICENSES AND PERMITS</b>
----------------------------------

Rental Application for use of the Town Green

Name of Organization: Thayer Memorial Library

Event: Educational presentations about wildlife with exotic animals – Animal Adventures

Event Details: To be held August 3, 2024, August 10, 2024, and August 17, 2024

Time: 10:30 am

Ms. Turner moved to allow the Thayer Memorial Library to use the Town Green on August 3, 10, and 17, 2024, at 10:30 am, for their Animal Adventures program. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Rental Application for use of the Town Green

Name of Organization: Thayer Memorial Library and Friends of Thayer Memorial Library

Event: Summer Concert Series

Event Details: To be held July 11<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and August 1<sup>st</sup> and 8<sup>th</sup>, 2024.

Time: 6:30-8:00 pm

Ms. Turner moved to allow the Thayer Memorial Library and the Friends of Thayer Memorial Library to use the Town Green on July 11<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and August 1<sup>st</sup> and 8<sup>th</sup>, 2024, from 6:30-8:00 pm, for their Summer Concert Series. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Special (One Day) Liquor License Applications (Beer & Wine)

Name of Organization: First Church of Lancaster

Event: Community Fellowship Fundraising (St. Patrick's Day)

Event Details: To be held March 16, 2024

Time: 5:00 pm – 8:00 pm

Ms. Turner moved to approve a Special (One Day) Liquor License, Beer & Wine, for the First Church of Lancaster, Community Fellowship Fundraising (St. Patrick's Day), on March 16, 2024, from 5:00pm – 8:00 pm. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Rental Application for Use of the Town Green

Name of Organization: First Church of Lancaster

Event: Community Fellowship Fundraising (Bulfinch Bee Run)

Event Details: To be held May 4, 2024

Time: 10:00 am – 1:00 pm

Ms. Turner moved to approve the application for Use of the Town Green, for the First Church of Lancaster, Community Fellowship Fundraising (Bulfinch Bee Run), on May 4, 2024, from 10:00 am – 1:00 pm. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Rental Application for Use of the Town Green

Name of Organization: First Church of Lancaster

Event: Area-Wide craft fair; fund raising (Horse Shed Fair)

Event Details: To be held October 7, 2024

Time: 10:00 am – 4:00 pm

Ms. Turner moved to approve the Use of the Town Green, for the First Church of Lancaster, Area-Wide Craft Fair and Fundraising (Horse Shed Fair), on October 7, 2024, from 10:00 am – 4:00 pm. Mr. Allison seconded. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

Susan Munyon interjected from the audience, stating that the Horse Shed Fair should be October 5, 2024, rather than October 7. Mr. Allison moved to approve the Use of the Town Green, for the First Church of Lancaster, Area-Wide Craft Fair and Fundraising (Horse Shed Fair), on October 5, 2024, from 10:00 am – 4:00 pm. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed. [3-0-0].*

<b>VIII. COMMUNICATIONS</b>
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- Next Select Board meetings will be held on Monday, March 18, 2024. Mr. Kerrigan noted that it is only nine weeks until Annual Town Meeting, asking the Board if April 1 and April 23 would work with everyone's schedule. Annual Town Meeting will be held on May 6.
- Miscellaneous Correspondence and Memorandums

<b>IX. EXECUTIVE SESSION</b>
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Ms. Turner moved for the Lancaster Select Board to meet in Executive Session pursuant to M.G.L. c30A, §21(a) for the following purposes:

- i. Discussion regarding strategy with respect to litigation in the matter of Lancaster Historical Society pursuant to Section 21(a)(3) as the Chair believes there is a detriment to bargaining in Open Session; and
- ii. To conduct a strategy session in preparation for negotiations for non-union personnel regarding the Police and Fire Departments pursuant to Section 21(a)(2); and

- iii. To discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual pursuant to Section 21(a)(1),

And not to reconvene in Open Session.

Mr. Allison seconded the motion. *Vote taken, Jason A. Allison, Aye; Alexandra W. Turner, Aye; Stephen J. Kerrigan, Aye. Motion passed; the Select Board entered Executive Session. [3-0-0].*

<b>X. ADJOURNMENT</b>
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Respectfully submitted,

Kathleen Rocco  
Executive Assistant

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Alexandra W. Turner, Clerk

FY25 CAPITAL PLAN  
APPROVED PROJECT & FUNDING SOURCES

		FY2025 Priority (P) Key		FY2025 Service Impact (\$I) Key		FY2025 Funding Source Key			
		<div>U</div>	Urgent	<div>En</div>	Enhance	<div>G</div>	General Fund	<div>A</div>	ARPA
		<div>N</div>	Necessary	<div>Ex</div>	Expand	<div>R</div>	Grant Funded	<div>E</div>	Enterprise
		<div>D</div>	Desirable	<div>M</div>	Maintain	<div>C</div>	Chapter 90	<div>O</div>	Other
FY2025									
Ref #	Item	Requested	P	SI	Recommended	Detail for All FY25 (Current Budget Year) Requests			
GG	General Government								
GG-1	Information Systems								
A-1	Town-wide Technology Fund	\$ 10,000	U	M	\$ 5,000	G	Annual: systematic equip. replacements	\$113,500	TRUE
A-2	GIS Systems	\$ 10,000	N	Ex	\$ 3,500	G	Upgrades to GIS layers to include stormwater, utilities, trees	\$113,500	
GG-2	Facilities Administration	\$ 40,000	N	M	\$ 30,000	A	Annual: Maintenance/repair, all town fac.		
A-3	ADA Compliance	\$ 2,500	D	En	\$ 2,500	G	Annual: ADA repairs or upgrades to town facilities, parks, sidewalks, etc.		
A-4	Building Improv - Town Hall	\$ 225,000	U	M	\$ 225,000	A	Remedial foundation work (triage); fire alarm maintenance		
A-6	Building Improv - Community Center	\$ 150,000	U	M	\$ 150,000	A	Replace exterior gutters; Install univents (HVAC)		TRUE
A-7	Building Improv - Library	\$ 12,000	N	En	\$ 7,500	G	Upgrades and renovations of Library Museum space for daily use		TRUE
A-8	Building Improv - Police Dept.	\$ 22,000	U	M	\$ 22,000	A	Fence replacement around existing propane tanks		
GG-4	Facilities Other								
A-11	Feasibility, Architectural & Design	\$ 50,000	U	Ex	\$ 50,000	G	DCAMM HOLDING COSTS - 1/2 YEAR		
A-13	Other Exterior Facilities	\$ 20,000	D	M	\$ 10,000	A	Landscaping, walkway and parking lot area maintenance for Library		
A-15	Feasibility, Architectural & Design	\$ 150,000	U	M	\$ 150,000	A	Structural assessment and reuse options for Old Town Hall		
GG	Planning & Community Development								
PC-1	Planning Division								
B-1	Studies, Peer Reviews, Paid Svs.	\$ 10,000	N	M	\$ 10,000	R	Independent peer reviews, traffic studies, etc.		
PC-4	Conservation	\$ 10,000	N	M	\$ 5,000	G	Annual: trail maintenance, invasive species maintenance		
B-11	Forest Legacy Grant Program	\$ 125,000	U	Ex	\$ 125,000	G	Federal Grant - Town Contribution		
FI	Finance Administration								
FI-4	Town Clerk	\$ 15,000	N	M	\$ 10,000	G	Vital Records retention; partnership with Library		
GG	Health & Human Services								
HS-1	Health & Human Svs.	\$ 10,000	N	M	\$ 10,000	G	Annual: programming, printing and assessments		
HS-4	Historical Commission	\$ 12,500	N	En	\$ 10,000	G	Digitize vital documents, reports, images and other records		
GG	Public Safety								
PS-2	Fire Department								
E-18	Medical Equipment - Perminant	\$ 33,000	U	M	\$ 33,000	G	Power Stretcher replacement for A1		
E-19	Medical Equipment - Portable	\$ 40,000	N	M	\$ 40,000	A	Power loader for patients		
GG	Public Works								
PW-1	Cemetery/Water								
F-1	Turf Machinery	\$ 65,000	U	M	\$ 65,000	C	2005 tractor replacement, JDeere 3720		
F-5	Vehicles	\$ 64,000	U	M	\$ 64,000	E	2011 truck replacement, C2500 3/4T 2WD		
F-8	Large Equipment	\$ 240,000	U	M	\$ 175,000	C	2012 replacement, 6W 35,000 GVWR combo dump/sand		
PW-4	Equipment								
F-16	Mower/Snow Blower	\$ 35,000	D	M	\$ 35,000	G	Small equipment to maintain Town Green & buildings		
GG	School								
NRSD	Lancaster Schools								
MRE-2	Mary Rowlandson Elementary School	\$ 113,000	N	M	\$ 113,000	A	Resurface Gym Floors - Elementary & Middle schools; scoreboard maint.		
LBM-S8	Gymnasium & Athletic Needs	\$ 74,800	U	M	\$ 74,800	A			
LBM-S11	Utilities, HVAC and internal systems	\$ 14,500	U	M	\$ 14,500	A	Fire Alarm and fire door system maintenance.		
CAPITAL FUND TOTAL		\$ 1,553,300			\$ 1,439,800				
Priority & Impact		Subtotals							
Urgent to Maintain		\$ 978,300							
Urgent to Expand		\$ 175,000							
Necessary to Maintain		\$ 218,000							
Necessary to Enhance		\$ 17,500							
Necessary to Expand		\$ 3,500							
Desireable to Maintain		\$ 45,000							
Desireable to Enhance		\$ 2,500							
TOTAL		\$ 1,439,800							
Funding Source		Subtotal		Source Notes					
General Fund		\$296,500		Cash Balances					
Chapter 90		\$240,000		State of MA					
ARPA		\$829,300		Must obligate by 12/31/24 & spend by 12/31/26					
Enterprise		\$64,000		Water Fund					
Grant Funds		\$10,000		OneStop (MA)					
FY25 TOTAL		\$1,439,800		All Funded					



**FY25-29 Capital Improvement Program**  
**Outlay Plan - General Fund & Enterprise Funds**

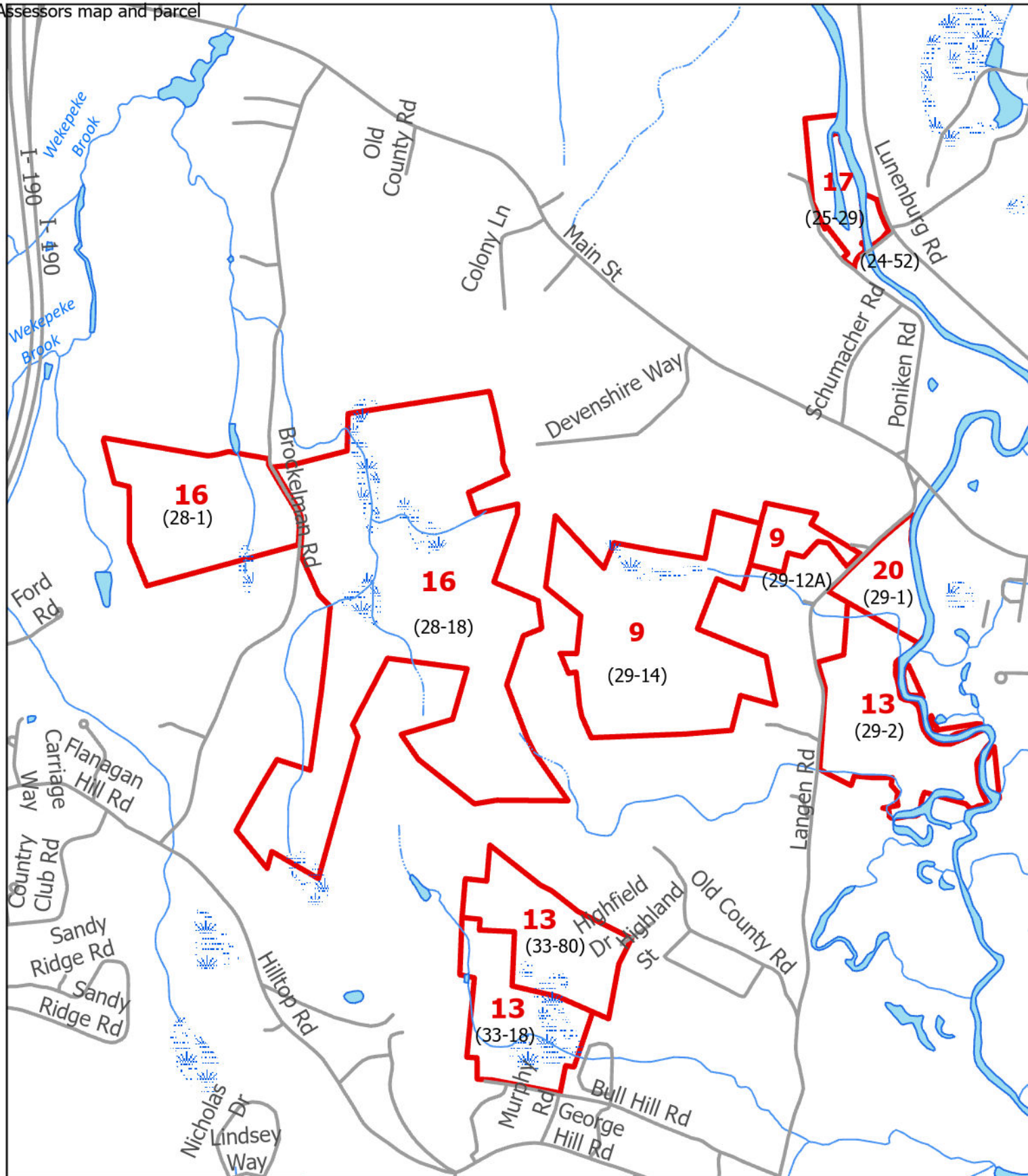
FY2025 Priority (P) Key	FY2025 Service Impact (S) Key	FY2025 Funding Source Key	
 Urgent	 Enhance	 General Fund	 ARPA
 Necessary	 Expand	 Grant Funded	 Enterprise
 Desirable	 Maintain	 Grant Funded	 Other
		 Grant Funded	

			REFERENCE ONLY			DETAIL																								
			FY2024			FY2025							FY2026			FY2027			FY2028			FY2029			Total					
Ref #	CODE	Item	Appropriated	Expended	(YTD 1/1/24)	Requested	P	SI	Recommended		Requested	Requested	Requested	Requested	FY25 Future & Deferred	Detail for All FY25 (Current Budget Year) Requests														
GG General Government				Encumbered Funds Projects In Progress																										
GG-1 Information Systems																														
A-1		Town-wide Technology Fund	\$ 55,000	\$	58,789	\$ 10,000	U	M	\$ 5,000	G	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 45,000	Annual: systematic equip. replacements														
A-2		GIS Systems	\$ 50,000			\$ 10,000	N	Ex	\$ 3,500	G	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 16,500	Upgrades to GIS layers to include stormwater, utilities, trees														
GG-2 Facilities Administration			\$ 30,000	\$	75,500	\$ 40,000	N	M	\$ 30,000	A	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 110,000	Annual: Maintenance/repair, all town fac.														
A-3		ADA Compliance	\$ 5,000			\$ 2,500	D	En	\$ 2,500	G	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 10,000	Annual: ADA repairs or upgrades to town facilities, parks, sidewalks, etc.														
A-4		Building Improv - Town Hall				\$ 225,000	U	M	\$ 225,000	A	\$	\$	\$	\$	\$	Remedial foundation work (triage); fire alarm maintenance														
A-5		Building Improv - Prescott	\$ 7,500	\$	22,729	\$ 7,500	D	Ex			\$ 2,500	\$ 2,500	\$ 2,500	\$ 5,000	\$ 20,000	Creation of private office space in Assessor's suite														
A-6		Building Improv - Community Center	\$ 250,000	\$	34,323	\$ 150,000	U	M	\$ 150,000	A	\$ 10,000	\$ 5,000	\$ 5,000	\$ 7,500	\$ 27,500	Replace exterior gutters; install univerts (HVAC); elevator repair														
A-7		Building Improv - Library	\$ 310,000	\$	39,992	\$ 12,000	N	En	\$ 7,500	G	\$ 7,500	\$ 10,000	\$ 5,000	\$ 5,000	\$ 32,000	Updates & renovations of Museum space														
A-8		Building Improv - Police Dept.				\$ 22,000	U	M	\$ 22,000	A		\$ 50,000		\$ 50,000	\$ 100,000	Fence replacement around existing propane tanks														
A-9		Building Improv - Fire Station (Main)	\$ 15,000								\$ 10,000			\$ 5,000	\$ 15,000															
A-10		Building Improv - Fire SubStations													\$ 50,000	Potential elevator installation for community use														
A-11		Building Improv - Other Facilities				\$ 50,000	U	Ex	\$ 50,000	G	\$ 100,000			\$ 5,000	\$ 105,000	DCAMM Property Holding Costs, 1/2 year														
GG-3 Exterior Facilities																														
A-11		Playgrounds	\$ 5,500												\$															
A-12		Parks - Town Owned	\$ 30,000								\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 10,000															
A-13		Other Exterior Facilities	\$ 120,000	\$	22,905						\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 30,000															
		Other Exterior Facilities	\$ (120,000)	\$	120,000	\$ 20,000	D	M	\$ 10,000	G					\$ 10,000	Landscaping, walkway and parking lot area maintenance for Library FY24 Mem.Sch. project suspended; return of balance to available funds														
GG-4 Facilities Other																														
A-15		Feasibility, Architectural & Design													\$ -															
GG-5 Resource Sustainability															\$ -	Structural assessment and reuse options for Old Town Hall														
A-16		Resource Sustainability Fund				\$ 5,000	D	En			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000															
A-17		Town EV Infrastructure													\$ -															
FI Finance Administration																														
FI-1		General		\$	39,756										\$ -															
FI-2		Treasury/Collector													\$ -															
FI-3		Assessor													\$ -															
FI-4		Town Clerk	\$ 30,000	\$	14,391	\$ 15,000	N	M	\$ 10,000	G	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 45,000	Vital Records retention; partnership with Library														
PC Planning & Community Development																														
PC-1 Planning Division																														
B-1		Studies, Peer Reviews, Paid Svs.				\$ 10,000	N	M	\$ 10,000	R	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 40,000	Independent peer reviews, traffic studies, etc.														
B-1		Master Plan	\$ 50,000	\$	50,000										\$ -															
PC-2 Building & Inspections															\$ -															
B-3		Software & Supplies		\$	44,056										\$ -															
B-4		GIS Components	\$ 12,500	\$	47,250										\$ -															
PC-3 Economic Development															\$ -															
B-5		Studies, Peer Reviews, Paid Svs.										\$ 5,000			\$ 5,000															
B-6		Other													\$ -															
PC-4 Conservation			\$ 25,000			\$ 10,000	N	M	\$ 5,000	G	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 35,000	Annual; trail maintenance, invasive species maintenance														
B-9		Pond & stream management	\$ 7,500	\$	700	\$ 15,000	D	En			\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 25,000	Maintain open space and other environmentally-sensitive areas														
B-10		Agricultural & field improvements																												
B-11		Forest Legacy Grant Program				\$ 125,000	U	En	\$ 125,000						\$ 125,000	Federal Grant - Town Contribution														
HS Human Services																														
HS-1		Health & Human Svs.				\$ 10,000	N	M	\$ 10,000	G	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 40,000	Annual: programming, printing and assessments														
HS-1b		Senior Means-Tested Tax Exemptions				\$ 100,000	N	Ex			\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000	DRAFT Program (pleaseholder); Senior Tax Abatement Stabilization Fund														
HS-2		Recreation				\$ 175,000	D	En			\$ 225,000	\$ 150,000	\$ 50,000	\$ 50,000	\$ 650,000															
HS-3		Disability Commission	\$ 10,000	\$	10,000	\$ 5,000	D	En			\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 25,000	Annual: programming & initiatives														
HS-4		Historical	\$ 3,500			\$ 12,500	N	En	\$ 10,000	G	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 52,500	Digitize vital documents, reports, images and other records														
HS-5		COA/Elder Svs.		\$	3,500										\$ -															
HS-6		Board of Health													\$ -															
PS Public Safety																														
PS-1 Police Department																														
E-1		Police Vehicles	\$ 115,000	\$	115,214						\$ 65,000	\$ 65,000	\$ 65,000	\$ 65,000	\$ 260,000															
E-2		Public Safety Equipment													\$ -															
E-3		Officer Safety Gear Replacement													\$ -															
E-7		Cruiser Laptop Replacement									\$ 15,000				\$ 15,000															
E-8		Speed Alert Trailer													\$ -															
E-9		Body Cameras Replacement	\$ 15,000	\$	13,140									\$ 35,000	\$ 35,000															
E-10		Vehicle Cameras Replacement													\$ -															
E-12		Public Safety Complex Feasibility Study	\$ 50,000												\$ -	HOLD														

**FY25-29 Capital Improvement Outlay Program, Page 2**

FY2025 Priority (P) Key		FY2025 Service Impact (SI) Key		FY2025 Funding Source Key		ARPA	
U	Urgent	En	Enhance	G	General Fund	A	ARPA
N	Necessary	Ex	Expand	R	Grant Funded	E	Enterprise
D	Desirable	M	Maintain	C	Chapter 90	O	Other

			REFERENCE ONLY			DETAIL														
			FY2024			FY2025		FY2026	FY2027	FY2028	FY2029	Total								
Ref #	CODE	Item	Appropriated	Expended	(YTD 1/1/24)	Requested	P	SI	Recommended	Requested	Requested	Requested	Requested	FY25 Future & Deferred	Detail for All FY25 (Current Budget Year) Requests					
PS-2 Fire Department																				
E-13		Miscellaneous Equipment		\$	19,000	\$	35,000	N	Ex	\$	35,000	\$	35,000	\$	175,000	Utility all terrain vehicle acquisition				
E-14		Fire Vehicles		\$	39,794									\$	-					
E-15		Turnout gear replacement										\$	35,000	\$	35,000					
E-16		SCBA				\$	40,000	D	En	\$	40,000	\$	10,000	\$	90,000	Air compressor to fill SCBA tanks acquisition				
E-17		Fire Hose Replacement												\$	20,000					
E-18		Medical Equipment - Perminant				\$	33,000	U	M	\$	33,000	\$	10,000	\$	35,000	Power Stretcher replacement for A1				
E-19		Medical Equipment - Portable				\$	40,000	N	M	\$	40,000	\$	40,000	\$	80,000	Power loader for patient transport				
E-20		Maintain/Upgrade Community AED's												\$	12,000					
E-21		Breathing Air Compressor												\$	-					
E-22		Fire Alarm Receiving Equipment	\$	1,500,000						\$	250,000			\$	250,000					
E-23		Large Truck/Apparatus	\$	890,000										\$	140,000					
E-24		Ambulance	\$	300,000	\$	295,000								\$	-					
PW PUBLIC WORKS																				
PW-1 Cemetery/Water																				
F-1		Turf Machinery	\$	86,000	\$	16,000	\$	65,000	U	M	\$	65,000	\$	14,000	\$	139,000	2005 tractor replacement, JDeere 3720			
F-2		Roadside Safety												\$	-					
F-3		Striping & Signage & Signals												\$	-					
F-4		Equipment										\$	30,000	\$	30,000					
F-5		Vehicles	\$	270,000		\$	64,000	U	M	\$	64,000	\$	52,000	\$	271,000	2011 truck replacement, C2500 3/4T 2WD				
PW-2 Highway Maintenance														\$	143,000					
F-6		Small Equipment	\$	19,000	\$	10,000				\$	65,000	\$	78,000	\$	-					
F-7a		Guardrail Replacement												\$	-					
F-7b		Bridge/Railing Replacements												\$	-					
F-8		Large Equipment	\$	250,000	\$	250,000	\$	240,000	U	M	\$	175,000	\$	175,000	\$	240,000	2012 replacement, 6W 35,000 GVWR combo dump/sand			
F-9		Vehicles	\$	50,000	\$	50,000				\$	-	\$	60,000	\$	60,000					
F-10		Public Shade Trees & Other Maintenance	\$	50,000	\$	50,000								\$	-					
PW-3 Capital Assets														\$	-					
F-11		Road Reconstruction												\$	150,000					
F-12		Drainage Improvements												\$	-					
F-13		Culvert Improvement								\$	50,000			\$	200,000					
F-14		Sidewalks - Maintenance												\$	-					
F-15		Vehicles and Heavy Equipment			\$	34,547	\$	250,000	N	M			\$	30,000	\$	280,000				
PW-4 Facilities														\$	-					
F-16		Mower/Snow Blower				\$	35,000	D	M	\$	35,000	\$	80,000	\$	130,000	Small equipment to maintain Town Green & buildings				
F-17		Vehicles, Trailers, On Road Machines												\$	-					
F-18		Small Tools (hand)								\$	5,000			\$	5,000					
F-19		Gas Powered Tools												\$	-					
F-20		Specialty Machines/Tools/Needs								\$	40,000			\$	60,000					
F-21		Other Facility Maintenance								\$	-	\$	-	\$	-					
SCH Regional School District																				
S-MRE Mary Rowlandson Elementary School						\$	113,000	N	M	\$	113,000	\$	75,000	\$	75,000	Existing Conditions Assessment; used for capital planning (consultant)				
S-1		Carpets, Flooring	\$	30,000										\$	-					
S-2		Gymnasium & Athletic Needs	\$	24,500								\$	26,700	\$	26,700	Gym Floor Resurfacing & New Scoreboard				
S-3		Sanding, Painting, Resurfacing												\$	-					
S-4		Alarms & Safety Systems												\$	-					
S-5		Utilities, HVAC and internal systems			\$	150,000								\$	-					
S-6		Technological Infrastructure										\$	135,000	\$	135,000	Network Switch for MRD & LBM				
S-LBM Luther Burbank Middle School						\$	74,800	U	M	\$	74,800	\$	75,000	\$	75,000					
S-0		Exterior Maintenance												\$	-					
S-7		Carpets, Flooring, Paint & Interior Structures	\$	30,000										\$	150,000	FY25 - Exterior Wall Repairs; FY29 - Parking Lot Resurfacing				
S-8		Gymnasium & Athletic Needs	\$	24,500										\$	-					
S-9		Sanding, Painting, Resurfacing								\$	31,500			\$	31,500	Gym Floor Resurfacing & New Scoreboard				
S-10		Alarms & Safety Systems	\$	58,000						\$	40,000		\$	23,000	\$	23,000	Security Cameras			
S-11		Utilities, HVAC and internal systems	\$	225,000	\$	150,000	\$	14,500	U	M	\$	14,500	\$	40,000	\$	40,000	Heating/Hot Water Circulating Pump			
S-12		Technological Infrastructure												\$	23,000	Floor Care Machinery Replacement				
S-RHS Nashoba Regional High School														\$	-					
S-13		Carpets, Flooring, Paint & Interior Structures												\$	-					
S-14		Gymnasium & Athletic Needs												\$	-					
S-15		Sanding, Painting, Resurfacing												\$	-					
S-16		Alarms & Safety Systems												\$	-					
S-17		Utilities, HVAC and internal systems	\$	161,000						\$	200,000	\$	200,000	\$	200,000	\$	800,000			
S-18		Technological Infrastructure												\$	-					
GENERAL FUND TOTAL			\$	5,044,500	\$	1,776,586	\$	2,185,800	\$	1,439,800	\$	1,500,000	\$	1,506,700	\$	821,000	\$	1,684,000	\$	5,511,700



**Janet H. Morrison, Esq.**  
**Land Conservation Consulting**

59 Kelton Road, Ashburnham, MA 01430  
978 827-5600; Cell: 978 502-0704  
[janet-morrison@comcast.net](mailto:janet-morrison@comcast.net)  
[JHMORRISON.COM](http://JHMORRISON.COM)

Source Credit: MassGIS

## Lancaster Forest Legacy Tracts



**Forest Legacy Tract No.**  
(Assessors Map & Parcel)

0 0.1 0.2 0.3 Miles



## Forest Legacy Project Town Budget

### EXPENSES

	<u>Due Diigence</u>	<u>Land Conservation &amp; Project Management</u>	<u>Total</u>	<u>Town Net Cost</u>
<u>NEFF 50%</u>	\$19,750			
<u>Lancaster Tracts</u>	\$87,500			
ALL TRACTS	\$107,250	\$42,500		
TOTAL			\$149,750	

### REVENUES

<u>Forest Legacy Reimbursement</u>	\$107,250	\$10,500	\$117,750	
<u>Lancaster Land trust</u>		\$7,500	\$7,500	
TOTAL			\$125,250	\$24,500

<b>LANCASTER</b>						<b>NET</b>		
	<u>Title</u>	COST	<u>Survey</u>	COST	<u>Forestry Plan</u>	COST	<u>BDR Cost</u>	<u>Total Cost</u>
<b><u>Kellar</u></b>								
	Owned since 2017;	\$2,000	House lot survey 3.5 Ac.	\$3,000	Add to	\$1,000	\$3,000	
	Prior ownership		Recorded Plan of Property		Municipal			
	since 1975.				Forestry Plan			
<b>Total Cost</b>		<b>\$2,000</b>		<b>\$3,000</b>		<b>\$1,000</b>	<b>\$3,000</b>	<b>\$9,000</b>
<b><u>Fuller/Stadtherr</u></b>								
	Family-Owned	\$2,500	CR Boundary survey.	\$36,000	Needed	\$2,000	\$6,500	
	since 1954.							
<b>Total Cost</b>		<b>\$2,500</b>		<b>\$36,000</b>		<b>\$2,000</b>	<b>\$6,500</b>	<b>\$47,000</b>
<b><u>Blood Town Forest</u></b>					2014 Municipal			
	Owned since 1946;	\$2,500	Recorded Plan.		Forestry Plan	\$0	\$7,500	
	Owned since 1965.		Boundary survey.	\$15,000	Needs Updating			
<b>Total Cost</b>		<b>\$2,500</b>		<b>\$15,000</b>		<b>\$0</b>	<b>\$7,500</b>	<b>\$25,000</b>
<b><u>NE Power Co.</u></b>					Add to			
	Owned since 1974;	\$2,000	Recorded Plan.	\$0	Municipal	\$1,000	\$3,500	
	Owned since 1975.		Recorded Plan.		Forestry Plan			
<b>Total Cost</b>		<b>\$2,000</b>		<b>\$0</b>		<b>\$1,000</b>	<b>\$3,500</b>	<b>\$6,500</b>

Forest Legacy Tract Completion Tasks & Costs								
<b>NEFF Lancaster</b>								
	<u>Title</u>	<u>COST</u>	<u>Survey</u>	<u>COST</u>	<u>Forestry Plan</u>		<u>BDR Cost</u>	<u>Total Cost</u>
<b><u>Conform Property</u></b>					N/A		\$5,000	
	Owned since 1978,	\$2,500	CR Boundary Survey	\$25,000				
	Vague Deed							
	Description;							
	Easement							
<b>Total Cost</b>		<b>\$2,500</b>		<b>\$25,000</b>			<b>\$5,000</b>	<b>\$32,500</b>
<b><u>Thayer Forest</u></b>					N/A		\$5,000	
	Owned since 1976.	\$2,000	Recorded Plan	\$0				
	Recorded Plan							
<b>Total Cost</b>		<b>\$2,000</b>		<b>\$0</b>			<b>\$5,000</b>	<b>\$7,000</b>

# **Forest Legacy Land Conservation & Project Management Services**

<u>Tract No.</u>	<u>Tract Name</u>	<u>Cost</u>	<u>CR/Fee</u>	<u>Required</u>	<u>Lancaster</u>	
				<u>CPA CR</u>	<u>CPA Funds</u>	<u>Land Trust</u>
20	Kellar	\$7,500	Fee	Yes		
9	Fuller/Stadtherr	\$7,500	CR	No		
16	Blood Town Forest	\$5,000	Fee	No		*
17	NE Power Co.	\$7,500	Fee	Yes		
13	NEFF	Confarm Property	\$7,500	CR	No	
		Thayer Forest	\$7,500	CR	No	
<b>TOTAL</b>		<b>\$42,500</b>			<b>\$35,000</b>	<b>\$7,500</b>

**\*Lancaster Land Trust will pay costs for Blood Town Forest**

<u>Est. Forest Legacy Reimbursement</u>	<u>Est. Net Town Cost</u>
\$0	
\$3,500	
\$0	
\$0	
\$3,500	
\$3,500	
<b>\$10,500</b>	<b>\$24,500</b>



**Lancaster Forest Legacy Tracts**  
**Nashua Wild & Scenic Rivers and Forests Project**

FY 2024 Forest Legacy Budget						FL Funding
Tract No.	Tract Name	Acres	Tract Cost	FL Funding	Cost Share	& Cost Share
9	Fuller/Stadtherr	127	\$570,000	\$570,000	\$0	
13	NEFF	162	\$785,000	\$410,000	\$375,000	
16		319	\$1,490,000	\$35,000	\$1,455,000	
17	NE Power Co.	21	\$375,000	\$285,000	\$90,000	
20	Kellar	19	\$110,000	\$110,000	\$0	
TOTAL		648	<b>\$3,330,000</b>	<b>\$1,410,000</b>	<b>\$1,920,000</b>	<b>\$3,330,000</b>

## ADMINISTRATION, BUDGET AND POLICY

---

# Town of Lancaster



## Sealer of Weights & Measures

### WEIGHTS & MEASURES FEES 2024

Test & Seal Counter Weights	\$2.00/wt.
Test & Seal less than 10lbs	\$30.00
Test & Seal 10-100lbs	\$35.00
Test & Seal 100-1000lbs	\$65.00
Test & Seal 1000- 5000lbs	\$85.00
Test & Seal 5000-10000lbs	\$125.00
Test & Seal over 10000lbs	\$175.00
Test & Seal Gas/Diesel Meters & Blends	\$30.00
Test & Seal Vehicle Tank Meters	\$50.00
Test & Seal Bulk Storage	\$75.00
Test & Seal Fabric/Wire/Rope/Carpet Meter	\$20.00
Test & Seal Yardsticks/ Tapes	\$10.00
Price Verification (more than 11scanners)	\$250.00
Price Verification (4-10 scanners)	\$150.00
Price Verification (1-3)	\$75.00
Test & Seal Reverse Vending Machines	\$20.00
Test & Seal Pill Counters	\$20.00
Test & Seal Taxi Cabs	\$25.00

All other Sealer Fees will be per the fee schedule as set by Massachusetts General Laws, Chapter 98 except, where the actual cost to the town of Lancaster exceeds the fee set by the State, in which case, the actual cost incurred by the town will be charged.

Any device condemned will be charged a fee equal to the sealing fee for that device.

Any adjustment made to any device will be charged a fee equal to the sealing fee of that device.

All new weighing or measuring equipment or devices installed in an establishment and intended for trade must be inspected, calibrated and sealed prior to use or shall be subject to a fine.

All Price verification systems, regardless of the number of scanners, will be tested annually.

### Late Fees for unpaid Invoices or Work preformed

After 30 Days past due \$50.00

After 60 Days past due \$100.00

After 90 Days past due, seal/scanner will be condemned and the following fees will apply:

A fee to Not Seal a device for non-payment of services \$50 per device

A fee to Re-Seal a device that is Not-Sealed for non-payment of services \$350 per device

### **Weights & Measurement Inspector Pay Details Proposal**

- Increase pay from \$1,500/yr to \$2,500/yr (Ron Valinski has been working for 12 yrs without an increase)
- The new fee schedule is anticipated to raise revenues \$1,445 to cover the increase in pay.

TOWN OF LANCASTER  
RECEIVED

MAR 04 2024

Town Administrator's Office



Date 2/28/2024

Town of Lancaster:

Lancaster Select Board, Prescott Building 701 Main St 2<sup>nd</sup> Floor Lancaster Ma 01523

Lancaster Conservation Commission, Prescott Building 701 Main St Suite 4 Lower Level  
Lancaster Ma 01523

Lancaster Planning Board, Prescott Building Suite 4 701 Main St Lancaster Ma 01523

Lancaster Board of Assessors, Prescott Building 701 Main St 1<sup>st</sup> Floor Lancaster Ma 01523

Lancaster Town Forest Committee, Thayer Memorial Library, 717 Main St Lancaster Ma 01523

Lancaster Town Clerk, Prescott Building, 701 Main St Suite 2 Lancaster Ma 01523

***Sent Via US 1<sup>st</sup> class Mail, Return Receipt Requested 2/28/2024***

Notice of Intent to sell or convert residential land, non ch 61 but still in first right of refusal term.

RE: Neck Rd ANR Lots, Plan attached

Keith P. Kopley  
351 S. Ashburnham Rd  
Westminster Ma 01473  
978-394-4489  
KalonFarm@live.com  
www.KalonFarm.com



Bk 53070 Pg 190, Map 30 Lot 128

Owner Described as Kalon Farms Inc

Attached plan, 2 ANR lots on Neck rd as part of parcel owned by Kalon Farm Inc. Subject to Town First Right of Refusal until 6/30/24. Property is not in Ch61 at this time but ROFR is in tact until 6/30/24. Property is also subject during this same term to Rollback or Convey tax (whichever greater).

Owner requests: Town of Lancaster Waiver of first right of refusal on the lots on plan provided owned by Kalon Farms Inc

Please also send written confirmation of any Rollback or Conveyance tax, if applicable

Please feel free to contact me with any questions

Sincerely,

Keith P. Kopley

Keith P. Kopley  
351 S. Ashburnham Rd  
Westminster Ma 01473  
978-394-4489  
KalonFarm@live.com  
www.KalonFarm.com

**RE: Tax Abatement meeeting****Bobbi-Jo Williams <BWilliams@lancasterma.gov>**

Tue 2/27/2024 5:21 PM

To: Keith Kopley &lt;kalonfarm@live.com&gt;

Cc: Brian Keating &lt;BKeating@lancasterma.gov&gt;

Good afternoon Keith,

You are correct, a municipality has a ROFR when a landowner converts, or decides to sell, classified land for residential, commercial or industrial development or use during (1) any fiscal year the land is classified or (2) the fiscal year after the year the land was last classified. G.L. c. 61A, § 14

The discontinuance of agricultural or horticultural use shall not, in itself, for the purposes of this section, be considered a conversion. Specific use of land for a residence for the owner, the owner's spouse or a parent, grandparent, child, grandchild, or brother or sister of the owner, or surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full-time in the agricultural or horticultural use of such land, shall not be a conversion for the purposes of this section

Under the ROFR, the land cannot be sold or converted unless the landowner gives the municipality advance notice of the sale or conversion and the municipality notifies the landowner that it will not exercise option. The content and manner of notices must comply with specific requirements. Upon receipt of a notice that complies with the applicable requirements, the municipality has the option to buy the property or assign its option to the Commonwealth, another political subdivision or a non-profit conservation organization. If the landowner is selling the property, the municipality must match a bona fide offer the landowner received. If the landowner is converting the use, the municipality must pay fair market value, which is determined by an impartial appraisal. The option must be exercised within 120 days of (1) compliance with the notice requirements in the case of a sale or (2) agreement of the consideration in the case of a conversion. If the landowner's notice does not contain all the required information, the municipality, within 30 days of receipt of the notice, must notify the landowner in writing that landowner's notice is insufficient and does not comply.

A landowner must pay one of two "penalty" taxes, a roll-back or conveyance tax, when the use of classified land is changed to a non-qualifying use. No penalty tax is assessed, however, when the change in use is for a residence for the owner; the owner's spouse, parent, grandparent, child, grandchild, brother or sister, or the surviving spouse of those relatives; or an employee working fulltime in the use and care of the property for its classified use.

*Bobbi-Jo Williams, MAA  
Principal Assessor  
Assessors Office*

Town of Lancaster  
701 Main St. Suite 3  
Lancaster, MA 01523  
978-365-3326 ext 1312  
[www.ci.lancaster.ma.us](http://www.ci.lancaster.ma.us)

**Office Hours:**

Monday - Thursday

8:30 am - 4:30 pm

Friday - 8:30 am - 12:00 pm

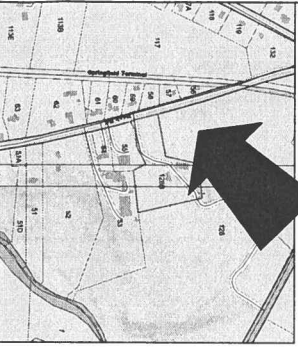
N/F  
KALON FARMS, INC.  
DEED BK. 53070 PG. 190

N 77°11'32" E  
364.40'

LOT 3  
87,200 Sq. Feet  
2.0018 Acres

LOT 2  
87,200 Sq. Feet  
2.0018 Acres

LOCUS MAP  
(NO SCALE)



NECK ROAD

N 16°06'28" W 225.00'  
N 16°06'28" W 225.00'

51.03'

S 309°53' W  
83°05'29" W



HOUSE



GARAGE

272.16' S 06°45'39" W  
208.62'

N/F  
KALON FARMS, INC.  
DEED BK. 53070 PG. 190

NAD83



### NOTE

LOT SHAPE (LOT 2)

AREA: 87,200 X 30 = 1,395,200

PERIMETER: 1234 X 1234 = 1,522,756

R=0.916

LOT SHAPE (LOT 3)

AREA: 87,200 X 30 = 1,395,200

PERIMETER: 1219 X 1219 = 1,485,961

R=0.939

### ZONING DATA:

RESIDENTIAL  
LOT AREA = 87,120 S.F. (2 ACRES)

LOT FRONTAGE = 225'

FRONT YARD SETBACK = 40'

SIDE YARD SETBACK = 30'

REAR YARD SETBACK = 30'

### PLAN REFERENCE:

- PLAN BOOK 118 PLAN 1
- PLAN BOOK 280 PLAN 113
- PLAN BOOK 416 PLAN 121
- PLAN BOOK 435 PLAN 71
- PLAN BOOK 571 PLAN 40
- PLAN BOOK 669 PLAN 5
- PLAN BOOK 752 PLAN 117
- PLAN BOOK 972 PLAN 122
- PLAN BOOK 974 PLAN 19

### OWNER OF RECORD:

KALON FARMS, INC.  
19 PIERCE AVENUE, SUITE C #102  
FITCHBURG, MA  
DEED BOOK 53070 PAGE 190  
ASSESSORS MAP 30 LOT 128B  
LOCATION:  
NECK ROAD  
LANCASTER, MA

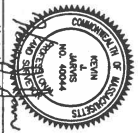
Approval under the subdivision  
control law not required.  
Planning Board of LANCASTER.

DATE: \_\_\_\_\_

JARVIS LAND SURVEY, INC.

29 Grafton Circle  
Stirnewbury, MA 01545  
Tel. (508) 842-8087 ~ Fax. (508) 842-0661 2-7-2024

THIS PLAN HAS BEEN PREPARED IN  
CONFORMANCE WITH THE  
REGULATIONS OF THE REGISTER OF  
DEEDS IN THE COMMONWEALTH OF  
MASSACHUSETTS AND IN COMPLIANCE  
WITH THE REQUIREMENTS OF THE  
PRACTICE OF LAND SURVEYING  
IN THE COMMONWEALTH OF MASSACHUSETTS.  
THE REQUIREMENTS OF THE REGISTER  
OF DEEDS AND IS NOT A CERTIFICATION OF THE  
TITLE OR OWNERSHIP OF THE LAND SHOWN  
HEREON.



PLAN OF PROPERTY  
SURVEYED FOR  
KALON FARMS, INC  
547 NECK ROAD  
LANCASTER, MASSACHUSETTS

DATE:	CHECK:	CALC:	FIELD:	N.B. #	PLAN
2/7/2024	K.J.L.	K.J.L.	CSRB	3482	22-564



SCALE: 1 INCH = 50 FEET

PLANNING BOARD ENDORSEMENT IS NOT A  
DETERMINATION AS TO CONFORMANCE WITH  
THE ZONING BYLAWS.



# **Ad Hoc Government Study Committee**

## **Report to the Select Board**

**Submitted March 13, 2024**

### Members:

Emily Taylor, Chair

David Mallette

Susan Munyon

Anne Ogilvie

Russ Williston

Chief of Police Everett Moody, ex-Officio

In memory of GSC member and champion of Lancaster, Jay Moody.

## **Table of Contents**

Introduction.....	6
Committee Background .....	6
Direction from Town Administrator .....	6
Committee Composition .....	7
Meeting Frequency .....	7
Overview of Relevant Municipal and State Government Regulations .....	9
Work Phases .....	11
Phase 1: Articulation of Scope.....	11
Phase 2: Data Collection, Evaluation and Synthesis .....	11
Benchmarking .....	11
Benchmark Findings .....	12
Resident Survey Methodology.....	14
Phase 3: Deliberation .....	17
Recommendation 1: Creation of a Standing Government Study Committee APPROVED by 5-0-0 roll call vote on January 2, 2024 .....	17
Recommendation 2: Include a warrant article on the May 2024 Annual Town meeting to begin the process of expanding the Select Board .....	17
APPROVED by 5-0-0 roll call vote on January 2, 2024 .....	17
Recommendation 3: Continued Study on the Identified Boards/Committees to determine if elected boards would better serve the town’s needs. ....	18
APPROVED by 5-0-0 roll call vote on January 2, 2024 .....	18
Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees.....	18
APPROVED by 5-0-0 roll call vote on March 4, 2024 .....	18
Phase 4: Report Development, Iteration and Submission.....	18
Recommendation 1: Development of a Standing Government Study Committee .....	19
Introduction.....	19
Summary Recommendation.....	19
Rationale .....	19
Recommendations from DLS Report.....	20
Benefits of a Standing Government Study Committee.....	21
Proposed Membership, Organization, and Responsibilities .....	21

Draft Warrant Article: Adapted from the Ipswich Warrant Article .....	22
Considerations.....	23
Potential Topics for Proposed Standing Committee to Study.....	23
Suggested Considerations for Mandate .....	24
Precedence .....	24
Recommendation 2: Expanding Select Board from 3 to at Minimum 5 Members .....	25
Introduction.....	25
Summary Recommendation.....	25
Rationale .....	25
<i>Source 1: Department of Local Services Report, September 2023.</i> .....	25
Source 2: Benchmarking.....	27
Orienting Lancaster in the Massachusetts Municipal Landscape .....	27
Benchmarking .....	27
Resident Survey Response.....	28
Draft Warrant Article .....	30
Recommendation 3: Elected or Appointed Local Boards.....	31
Introduction.....	31
Rationale for deciding whether a board should be appointed or elected .....	41
Survey Results Related to this Topic .....	41
Conclusions and Recommendations .....	43
Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees.....	44
Introduction.....	44
Summary Recommendation.....	44
Rationale .....	44
Draft Warrant Article .....	45
Closing Remarks .....	46
APPENDICES .....	47
APPENDIX A: Committee Description from Town Website .....	48
APPENDIX B: Committee Mandate and Charge .....	49
APPENDIX C: <i>Government Structure Overview.</i> Hodges, Kate. August 16, 2022.....	50

APPENDIX D: CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE .....	58
Appendix E: Benchmarking.....	61
.....	62
APPENDIX F: Survey Questions .....	63
APPENDIX G: Massachusetts Department Of Correction .....	65
APPENDIX H: Analysis of Open-Ended Survey Questions .....	66
APPENDIX I: DLS REPORT.....	67

March 13, 2024

Dear Select Board Chair Kerrigan, and Members Mr. Allison and Ms. Turner,

It is a pleasure to present this report to the Select Board. It is a privilege to live in a town where residents can have such access to the means by which we affect change. The ongoing work of these volunteers, the Select Board included, is fundamental to the success of Lancaster.

This report reflects many hours of work, by many people, including those who are no longer on the committee. I am personally grateful to each committee member and staff liaison for their time, energy, and dedication to fulfilling the mandate of this committee. I am particularly grateful to my fellow committee members for their support in my role as chair.

The Committee worked exceptionally well together, despite some differences of opinion, because of our collective goal: to make substantive recommendations, backed by data, that would reflect the feedback we received via the survey and informal interactions with residents. The collective goal motivated us to engage in respectful, thoughtful, reflective conversations. I am proud to report that all three recommendations considered by the committee for presentation to the Select Board were approved unanimously, with all members present.

Importantly, we were diligent in producing recommendations that we believe fulfill our charge as mandated by residents at the Annual Town Meeting in May of 2022. “To provide a written report to Town Meeting...which recommends any amendments to bylaws and governing practices so as to improve the Town’s form of government and governance.”

This report is presented in service of making Lancaster’s town government work better for residents, staff, and board and committee members. I ask that you, the Select Board, review and consider the report for what it is: the work of an appointed committee, voted into existence through Annual Town Meeting. I present this report with a belief in the covenant our form of government stands for; may it be received in the same spirit.

It has been an honor and a privilege to serve as the chair of this committee for the past several months. I thank you in advance for your feedback and considerations of the recommendations made within the report.

Sincerely,

Emily Taylor, Chair

Ad Hoc Government Study Committee

## **Introduction**

### **Committee Background**

The Government Study Committee is an ad-hoc committee comprised of Lancaster residents whose mission “surrounds the need for the Town to review the efficacy of Lancaster’s current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster’s form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.”<sup>1</sup>. A key part of the mandate of the committee is to make a recommendation to the Select Board, via a non-binding report, as to whether Lancaster should pursue the creation of a Town Charter.

At the May 2022 Annual Town Meeting (ATM), Lancaster residents voted on Warrant Article 11. Residents voted in favor of this article with a vote of 146 Yes, 12 No and 0 Abstaining.

<p style="text-align: center;"><b>ARTICLE 11</b> <b>Government Study Committee</b> <b>Select Board</b></p>
--

To see if the Town will vote to direct the Select Board to appoint a Government Study Committee pursuant to Section 304-21 of the Town of Lancaster’s General Bylaw and consisting of seven members to (a) study the Town’s form of government and governance, (b) examine models of government in comparable communities, (c) identify strengths and opportunities for growth and improvement in the Town’s current government, (d) facilitate public engage on the committee’s work, and (e) provide a written status report to the Select Board no later than March 15, 2023, and a final written report to Town Meeting no later than May 1, 2023, which recommends any amendments to the bylaws and governing practices so as to improve the Town’s form of government and governance, or to act in any manner related thereto.

Select Board recommendation:

*Finance Committee recommendation:*

**Summary:** *The article directs the Select Board to appoint a committee to study Lancaster’s form of government as outlined above.*

Source: 1 Warrant Article from May 2022 Annual Town Meeting

### **Direction from Town Administrator**

“The Work of the GSC is critical for the Town to be successful in modernizing and conducting business in an efficient and effective manner. That said, there are many decisions and discussions which need to take place at the committee level. As members of the GSC, you will determine

---

<sup>1</sup> Appendix A

what may be in the best of Lancaster relative to its form of government and how Town business should be conducted. This affects Lancaster’s current and future community members and businesses.”<sup>2</sup>

## **Committee Composition**

The Select Board solicited applications from residents to be part of this appointed, ad hoc committee. At the Select Board Meeting on June 15, 2022, the Select Board appointed Monica Tarbell, Steve Kerrigan, Emily Taylor, David Mallette, Christine Burke, Russ Williston, Anne Ogilvie, Jay Moody, and Sue Thompson to the committee. Fire Chief Michael Hanson and Police Chief Everett Moody were appointed as non-voting, ex-officio members. Town Administrator Kate Hodges was appointed as the Town Staff liaison.<sup>3</sup>

The Committee convened on September 8, 2022. At that meeting, Steve Kerrigan was appointed as the Chair by a roll call vote of the committee members.

Between November 2022 and October 2023, Ms. Tarbell, Ms. Thompson, Ms. Burke and Chief Hanson resigned from the committee. In October of 2023, Mr. Kerrigan stepped down from the committee. Jason Allison was invited to be the Select Board Representative, but declined. TA Hodges notified the committee that she had been reassigned by the Select Board and would no longer serve as the staff liaison. Chief Moody was appointed as the Town staff liaison. On November 6, 2023 Emily Taylor was elected the Chair and Anne Ogilvie was elected as Clerk by a roll call votes of the committee. Also in October of 2023, Susan Munyon was appointed to the committee.

Member Jay Moody tragically passed away in January. Chief Moody stepped back from the day-to-day of the committee’s work to focus on his increased role and responsibilities while Fire Chief Hanson is on leave. He has affirmed his interest in participating in the proposed Standing Committee.

As of March 5, 2024, the members of the committee are Ms. Taylor, David Mallette, Susan Munyon, Anne Ogilvie, and Russ Williston.

## **Meeting Frequency**

Between May of 2022, when the Town Meeting voted to approve the creation of the Government Study Committee and October of 2023, the committee met twelve times with Select Board member Kerrigan as chair. During that time, there were nineteen meetings scheduled, twelve

---

<sup>2</sup> *Government Structure Overview*. Hodges, Kate. August 16, 2022. Appendix B.

<sup>3</sup> Select Board (2022). VIII. Appointments and Resignations: Government Study Committee'. *Minutes of Select Board Meeting 15 June 2022*, Nashaway Room, Lancaster Town Hall.  
[www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/minutes/select\\_board\\_special\\_mtg\\_minutes\\_6.15.22.pdf](http://www.ci.lancaster.ma.us/sites/g/files/vyhlif4586/f/minutes/select_board_special_mtg_minutes_6.15.22.pdf)

held, and seven canceled. Between October 30, 2023 and March 5, 2024 with Emily Taylor as chair, the committee scheduled ten meetings. Nine were held, and one canceled due to illness. Agendas and minutes for each of these meetings are available in the appendix to this report and on the town website. (Please note we are working on the backlog of minutes. In the interim, please refer to the recordings of the meetings as posted on the town website.)



## **Overview of Relevant Municipal and State Government Regulations**

### **Form of Government, MGL, Existing Town Bylaws, and Town Charter**

Imperative to the work of this committee, and to those considering its recommendations, is an understanding of the current Form of Government (FOG) of Lancaster, and the relationship between Massachusetts General Law (MGL), Existing Town Bylaws (sometimes referred to as “Town Code”), and a Town Charter.

### **Current Form of Government**

The Town’s current governmental structure is Open Town Meeting – Select Board – Strong Town Administrator.

### **MGL Authority**

Ultimately, Massachusetts General Law is the authority of record for non-Federal laws and regulations used in municipalities in Massachusetts.

### **Home Rule Amendment of 1966**

“Massachusetts state law provides several routes for cities and towns to make changes in the organizational structure of local government: election of a charter commission and subsequent adoption of the commission’s proposed charter; a petition for enactment of special municipal legislation; and using bylaws and “permissive” legislation to enact structural change.”

As summarized in the document “Government Structure Overview” (Appendix C), created by Town Administrator Kate Hodges on August 16, 2022:

*In Massachusetts, municipalities have limited powers under state law. A Home Rule Petition is a request from a community to the State for a new type of power from the Legislature. One example of this type of power is the ability to enact new tax regulations or exemptions from a certain aspect of state law.*

*The strongest exercise of Home Rule rights for any community is through actions within that entity’s charter (or, once a charter change or creation has begun, through that community’s Charter Commission). In that process, the municipality can organize their own local government in a way that best meets the needs of their citizens...There are significant limitations to Home Rule rights including some local actions which require the approval of the State Legislature.*

*It is important to note that while each governmental body has the ability to propose and accept their own Home Rule Petitions, local laws or regulations can only be upheld by the legislature if the laws and regulations proposed are deemed not to be in conflict with the Commonwealth’s Constitution or any of the MA General Laws. There are specific constitutional clauses (Amendment Article 89, Section 7) which reserve the State’s authority to regulate certain areas of local government – a veto, of sorts, to Home Rule Petitions. These include any municipality’s ability to: govern its elections; set levy limits; assess and collect revenues and taxes; design and implement processes relative to borrowing money or bonding capital projects; pledge a municipality’s credit; dispose of*

*parklands, conservation restrictions or open space; enact private or civil laws; or impose criminal penalties.*

## **Work Phases**

The committee began meeting in September of 2022. The Committee met to discuss its charge and the question presented. Based on these discussions, the Committee developed a phased approach to the work:

*Phase 1: Articulation of Scope*

*Phase 2: Data Collection, Evaluation and Synthesis*

*Phase 3: Deliberation*

*Phase 4: Report Development, Iteration and Submission*

### **Phase 1: Articulation of Scope**

During the first several meetings, the committee engaged in substantive discussions about the scope of the work, the technical components that would be referenced (i.e. Charter, Home Rule, Form of Government, MGL, etc.). These discussions led to a plan for how to engage in the work mandated.

### **Phase 2: Data Collection, Evaluation and Synthesis**

The Committee deliberated on data collection methods and sources, ultimately agreeing on a combination of quantitative and qualitative methods. A brief summary of the Committee's methods and key results are presented below.

#### ***Benchmarking***

In order to understand how neighboring and similar towns have elected to organize their government, and to better understand the process of government study, a subcommittee was formed to conduct benchmarking. Members Christine Burke and Anne Ogilvie gathered information about 16 towns that were nearby and of similar population size to Lancaster. Two towns further away but of similar population size were also examined (Georgetown and Rowley).

Ashburnham	Georgetown	Princeton	Stow	Pepperell
Ayer	Harvard	Rowley	West Boylston	Sterling
Berlin	Littleton	Rutland	Westminster	
Bolton	Lunenburg	Shirley	Boxborough	
Boxborough	Pepperell	Sterling		

For our benchmarking exercise, we looked at area, population size, and road miles in each town. We also examined government structure, including form of government, elected vs. appointed boards and committees, and residency requirements to serve on boards and committees. We also looked at financial characteristics such budget size and tax rates to get a sense of how Lancaster compared against peer towns in these areas.

Lancaster was 5th largest in population size out of our 19 town sample at 8455, but this total includes the Souza-Baranowski Correctional Center, which houses an estimated 672 people. Accounting for the incarcerated residents brings the population to 7783, which would make us the 8th largest town by population. Lancaster is the 13th in area at 27.7 square miles, the 13th largest in the sample group by area and has 75.14 road miles, the 10th largest number of road miles amongst the 18 towns.

We also collected benchmarking data on finances. Lancaster had the 11th largest overall budget in our sample, and the 7th largest school budget. We had the 3rd highest residential tax rate for FY2022, with only Bolton and Stow ahead of us, and the 7th highest average annual tax bill (\$7842). Lancaster ranked 15th out of 19 towns in Department of Revenue income per capita (\$40,295).

## ***Benchmark Findings***

Appendix E provides the benchmarking results.

### **Form of Government and Town Charters**

Of the 18 peer towns that we looked at, all had Open Town Meeting forms of government and only five had charters: Ashburnham, Harvard, Lunenburg, Pepperell, and Stow. Four of the towns that did not have charters: Ayer, Boxborough, Sterling, and Westminster had chartered Government Study Committees in the last 6-15 years, but either the committees did not recommend a charter (Ayer, Boxborough, Sterling), or the charter was rejected by voters (Westminster).

### **Select Board Size**

Select Board size was mixed within our sample towns. Nine towns had three-member boards, and nine towns had five-member boards. In Sterling, which currently has a three-member board, the Government Study Committee recommended a change to a five-person board that has not yet been adopted. The Sterling Government Study Committee cited the following benefits of a five-member board in its recommendation:

- Promote diversity of the board and reduce the chances of divisive polarity of opinions that can be counterproductive to the proper functioning of the board.
- Provide a lighter workload for each member which would encourage others to run for office, as the workload would be less intimidating.
- Encourage more vigorous debate and decision-making.

### **Executive Leadership**

The chief executive officer is the town administrator in all 18 benchmarked towns except for Lunenburg (the only town in our sample to have a town manager), and Sterling (where the SB has executive authority).

### **Board Formation**

All 18 towns we benchmarked elect their Select Board, Moderator, Library Trustees, and School Committees. 17 towns elect their Planning Boards, with Harvard, MA being the only exception in our sample. Other popular elected boards in our sample towns were: Board of Assessors (13 towns) and Board of Health (14). Lancaster is one of six towns that appoints, rather than elects the Board of Assessors. Lancaster is one of only three towns that elects the Board of Public Works, and one of only two towns that elects their Finance Committee.

It is interesting to note that in 11/18 towns we examined, the Moderator has a more prominent role in appointing town officials to boards and committees. This appears to be done to balance the powers within town leadership. In these towns, the Moderator appoints members of the Finance Committee, and also shares appointing authority with the Select Board for various committees. Some towns also appoint members to committees by the authority of the town meeting body. Again, this appears to aim to balance or share the powers within town government to some degree.

### **Residency Requirements for Board or Committee Membership**

Of the 18 towns we looked at, 17 had residency requirements that require board and committee members to be residents. Littleton, Rutland, and Westminster have added this residency requirement to their Town Codes. Of the 17 towns with residency requirements, five allow non-residents such as property, business owners, or farmers to serve on boards related to their interest or expertise (such as the Economic Development Committees or Agricultural Commissions). Sterling lists no residency requirement on their website or in their bylaws and did not answer emails requesting if they had a residency requirement.

### **Board Training and Filling Vacancies**

In an effort to better understand how similar towns train board members and help them perform effectively, we searched for board handbooks, orientation practices, and information systems. Nine out of 18 towns we looked at had published board handbooks that were tailored to town policies and practices. Topics ranged from appointment policies and practices, to duties,

attendance, vacancies, posting meetings, Open Meeting Law, codes of conduct, purchasing rules, public records policies, meeting room policies, and agenda formation. These were excellent resources and could be very helpful for board training and the development of more knowledgeable volunteer leaders in Lancaster.

In addition to handbooks, six towns are using an online platform called Board and Committee Information System to house and organize all town board information. This platform has directories, lists vacancies, and has an online citizen engagement form that helps new residents and other interested citizens connect with the town to share their expertise. This kind of centralization of board information could be very useful to Lancaster.

Several towns we sampled had published practices for filling board vacancies. For example, Ashburnham has a rolling board application process that accepts applications even when a committee is full, and defined two-week posting period for members when a vacancy occurs. And in West Boylston, the town code requires all town board chairs and department heads to report any vacancies to the Clerk by April 1st so that vacancies can be filled after May elections each year.

These kinds of organizational supports for boards and committees could be very helpful to Lancaster, and the GS Committee recommends a future subcommittee review these findings and related tools and policies and make recommendations for Lancaster to adopt.

### ***Resident Survey Methodology***

From approximately May 2023 to June 2023 the Committee developed a survey, to be distributed to adult residents of Lancaster to solicit information and feedback about Lancaster's form of government, its efficacy and opinions on ways to improve. TA Kate Hodges worked with Chiefs Hanson and Moody to draft the initial survey, basing it on similar surveys conducted by other Government Study Committees in Massachusetts towns.

### **Distribution**

The survey was available to residents from September 25, 2023 to October 20, 2023. The committee gathered responses for the survey via a web-form based online survey service (SurveyMonkey.com) and via paper surveys made available in the Community Center and Library.<sup>4</sup>

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<sup>4</sup> Appendix E: Full survey.

We gathered a total of 260 responses: 242 were submitted electronically and 18 were submitted via paper survey. The full survey is available as Appendix F.

### **Committee Inclusion in Survey Distribution**

The survey was available from September 25 to October 20. During that time, the committee did not meet, and had not met since June 29, 2023. The survey was distributed via official town channels including the distribution lists for the Community Center, and the library. It was also posted by the town on the official town Facebook page. The committee was unfortunately not directly notified of the survey being distributed, except through the aforementioned channels, and was therefore unable to participate in alerting the community to the survey's existence and availability.

### **Limitations of the Survey**

Although generally intended to be a survey of Lancaster adults, respondents were not required to verify their age or Lancaster residency. One electronic respondent indicated they had lived in Lancaster for "0" years and 8 paper respondents did not self-report how many years they had lived in Lancaster. Only two respondents reported being less than 18 years old.

### **Estimating the Adult Population in Lancaster at the Time of the Survey**

At the time of the 2020 US Decennial Census, there were 8441 residents in Lancaster. 17.7% (roughly 1494) were under Age 18, leaving 6,947 adults.

The census population of Lancaster includes some number of incarcerated adults at the Souza-Baranowski Correctional Center. They had no opportunity to respond to the survey, and should be excluded from the survey population. According to the "[Weekly Inmate Count](#)"<sup>5</sup> published by the state for September 18, 2023 the prison population that week was 1074 against a maximum capacity of 1492.

After the 9/25/2023 Special Town Election the Town Clerk reported that there were 5370 registered voters in Lancaster.

It seems reasonable to assume that the adult population of Lancaster at the time of the survey, excluding prisoners, was no more than 6,500.

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<sup>5</sup> Appendix G: Full statistics from September 18, 2023 Weekly Inmate Count.

## Survey Margin of Error

The margin of error for the survey should be 6% at 95% confidence or 8% at 99% confidence, assuming the adult population at survey time was between 6,000 and 7,000.

95% Confidence Level			99% Confidence Level		
<i>Population</i>	<i>Sample Size</i>	<i>Margin of Error</i>	<i>Population</i>	<i>Sample Size</i>	<i>Margin of Error</i>
6000	260	5.95%	6000	260	7.83%
6500	260	5.95%	6500	260	7.84%
7000	260	5.96%	7000	260	7.85%

## Staff/Stakeholder Interviews

The committee was unanimous in its belief that engaging town staff was central to the charge of the committee. The Committee identified discrete categories of individuals with knowledge and experience from whom to request individual interviews. The first group identified was **Current Town Employees**. The second group identified was **Current or Former Town Employees or Officers from Nearby Towns**, and the committee began the creation of a specific questionnaire for each of the groups.

**Unfortunately, the committee was not granted permission from the Town to conduct the confidential, anonymous survey with town staff. It is our fervent hope that this can be done under the purview of the proposed Standing Government Study Committee.**

## Evaluation

In November 2023, the Committee transitioned to data evaluation and analysis. Many survey responses, which are discussed further below, included thoughtful comments. In analyzing the quantitative and qualitative data from the survey, key informant interviews and observations of the committee, the GSC identified the most-cited “pain points” that were of high importance to a majority of survey respondents.

Based on the survey data, the committee decided to focus on three discrete issues:

1. Selectboard Size
2. Appointed vs Elected Boards/Committees
3. Residential Requirement for Serving on Elected/Appointed Boards/Committees



### **Areas Not Studied in Depth**

The committee initially intended to also focus on the Municipal Reporting Structure and Town to Resident Communications based on feedback from the Ex-Officio members and the Town Administrator, but were not given permission to conduct any focus groups or administer a confidential, anonymous survey to the staff. Thus, there was insufficient data to evaluate, and the committee could not study the issue, or make any recommendations.

The committee was asked to review the data to determine if there was significant support for recommending a Charter Commission, with the purpose of creating a Town Charter. The survey did not indicate significant support for the creation of a Charter Commission. And, without access to Town Staff, the committee did not feel confident in a recommendation either way.

### **Phase 3: Deliberation**

The committee deliberated and voted on its recommendations at a meeting on January 2, 2024. Two of these are specific recommendations on actions for the Select Board in the near-term. One of them is a less time-bound “summary of findings” that offers suggestions for future study.

#### ***Recommendation 1: Creation of a Standing Government Study Committee APPROVED by 5-0-0 roll call vote on January 2, 2024***

This committee recommends, with the support of the Town Administrator, the development of a Standing Government Study Committee. **The committee believes that a Standing Government Study committee is a critical component to fostering a culture of continual improvement in Lancaster’s municipal government.**

#### ***Recommendation 2: Include a warrant article on the May 2024 Annual Town meeting to begin the process of expanding the Select Board***

#### ***APPROVED by 5-0-0 roll call vote on January 2, 2024***

The Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster begin the process to adopt a five-person select board.

(Suggested language for how to propose this at Annual Town Meeting can be found in the section outlining the rationale and describing in depth the recommendation.)

***Recommendation 3: Continued Study on the Identified Boards/Committees to determine if elected boards would better serve the town's needs.***

***APPROVED by 5-0-0 roll call vote on January 2, 2024***

- **Residents seem content to continue to directly elect boards:** if a need is realized to convert an elected board to an appointed board, the town should be prepared to provide a rationale for the change.
- Our survey identified a strong **preference for an elected Zoning Board of Appeals** among respondents. If the town pursues a charter, we might investigate whether an elected Zoning Board of Appeals would better fit the town's needs.
- Survey respondents indicated a **preference for an elected Conservation Commission**, which state law does not provide for. Residents might prefer the structure Wellesley has adopted: they elect members of a "Natural Resources Commission", which in turn, appoints the 5 members of the "Wetlands Protection Committee", which serves as the Conservation Commission. Wellesley created that structure by requesting special legislation.

***Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees***

***APPROVED by 5-0-0 roll call vote on March 4, 2024***

That Lancaster put a proposal before the Annual Town Meeting in May 2024 to adopt a police that would limit the participation on Lancaster appointed and elected boards and committees to Lancaster residents.

**Phase 4: Report Development, Iteration and Submission**

The Ad Hoc Government Study Committee worked in January and February of 2024 to craft this report. The Committee presented a draft of the report at a Select Board Meeting on January 22, 2024. The committee then iterated based on the Select Board's feedback. The committee continued to review the iterative drafts to ensure agreement (votes were taken at several points).

The Committee submitted an advance copy of the first two recommendations to the Select Board for inclusion on the Select Board meeting on March 18; these were submitted in advance to meet the approaching deadline for the warrant closing for the Annual Town Meeting.

On March 12, 2024, the committee convened and approved the final draft; it was then submitted to the Select Board on March 15, 2024.

## **Recommendation 1: Development of a Standing Government Study Committee**

### **Introduction**

Lancaster, like all towns, is constantly evolving. The data gathered by the Ad Hoc Government Study Committee in the Fall of 2023 represents a snapshot in time. Through our work as a committee for the past year and a half, we have a renewed understanding of how the evolution of Lancaster will continuously demand a critical review of our town government so that it meets the needs of Lancaster.

### **Summary Recommendation**

This committee recommends, with the support of the Town Administrator, the development of a Standing Government Study Committee. **The committee believes that a Standing Government Study committee is a critical component to fostering a culture of continual improvement in Lancaster's municipal government.**

### **Rationale**

In addition to our observations and conversations about the benefits of a Standing Committee, the Ad Hoc committee also draws evidence from a recent Department of Local Services Report.

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023.<sup>6</sup>

The report explains its process as such:

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster's implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

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<sup>6</sup> Please see Appendix for full text of DLS Report.

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately, the audio-visual recording of the October 2, 2023, Select Board meeting was not on the Town website at the time this report was submitted (March 8, 2024).

*Lancaster Select Board  
Meeting Minutes of October 2, 2023*

to provide concepts, and to bring these concepts forward to a developer. Ms. Turner would be in favor of more green space, preserving historic buildings, and low income senior housing.

- Division of Local Services – Financial Management Review & Update Report (Sept. '23)  
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

This report outlined valuable insights and recommendations for the further refinement of the scope of the Ad Hoc Government Study Committee. While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. It is also regrettable that the report was not on the agenda of the Select Board, as requested by Mr. Kerrigan, in the months following the initial presentation.

### ***Recommendations from DLS Report***

The report makes two recommendations that are, in particular, relevant to the Ad Hoc Government Study's work. We will present one here, and one in Section 2 of this report.

#### *Consider Key Structural Changes Through the Government Study Committee*

“Lancaster’s town meeting authorized a government study committee in May 2022, citing the changing scope over government operations and the increased complexity of challenges facing local officials. The committee’s stated mission is to perform a comprehensive review of Lancaster’s form of government, structure, and operational methods and make recommendations for the town to better meet modern challenges. We recommend that the committee evaluate the following changes;

#### *Comprehensive Bylaw Review/Town Charter*

“Either through the committee as a whole or a subcommittee, review the town’s bylaws for recommendations to keep, amend, or delete (such as bylaws that are outdated, no longer applicable, or contradictory), or propose new bylaws for adoption. One point of focus should be ensuring that the bylaws outline responsibilities regarding budget preparation and clearly define

the roles of the select board, town administrator, finance director, and finance committee. In its review, the committee may recommend codifying the budget process through a town charter rather than town bylaws. An effective charter will document the town's structure, list all appointed and elected positions, boards, and committees, and clearly define duties, responsibilities, and lines of accountability, while granting town officers the authority they need to fulfill their stated roles.”

### ***Benefits of a Standing Government Study Committee***

A standing Government Study Committee would allow Lancaster to *continuously* identify areas of opportunity for improving the functions of town government, rather than periodically reviewing the whole of the town government. It would provide a forum for issues of town governance to be thoroughly examined. This ongoing, thorough examination of discrete topics would allow the level of detail and depth of analysis of something as complex and consequential as a town government deserves.

### ***Proposed Membership, Organization, and Responsibilities***

The Ad Hoc Government Study Committee has drafted a Warrant Article, outlining the mandate of the proposed Standing Government Study Committee. (next page)

***Draft Warrant Article: Adapted from the Ipswich Warrant Article***

**ARTICLE \_\_\_\_\_**  
**Government Study Committee**  
**Select Board**

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster's General Bylaw by inserting new sections in Article XIII, as follows:

**Article XI      Town Government Study Committee**

§17-47 Membership and Organization

A.      The Town Government Study Committee will consist of five (5) members. Two (2) members will be appointed by the Select Board. One (1) member will be appointed by the Finance Committee. One (1) member will be appointed by the Board of Public Works. One (1) member will be appointed by the Town Moderator.

B.      The members will serve three-year terms that begin on the first day and end on the last day of the Town of Lancaster fiscal years, except that the end dates of the terms will be staggered by shortening some of the initial terms after the establishment of this committee. The initial terms for all five members will begin on the first day of the fiscal year following initial approval of this Committee at Town Meeting. The initial term for the two members to be appointed by the Select Board will end three full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Finance Committee will end two full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Town Moderator will end on last day of that first fiscal year.

C.      Vacancies among the members that will be appointed by the Select Board, Finance Committee or Board of Public Works will be filled by those boards by selecting the member during a meeting and submitting the new member in writing to the Town Clerk. The Town Moderator will fill a vacancy of the member they select by submitting a new member in writing to the Town Clerk.

D.      The Government Study Committee will reorganize at the first meeting following the appointment of any new member to the committee or resignation of any Committee officer. The Committee's officers will be Chair and Clerk. The Chair is responsible for posting the Committee's meeting agendas and leading the Committee's meetings. The Clerk is responsible for ensuring that written minutes of the committee are prepared and submitted to the Committee for approval. At any meeting where the Chair is absent, or if no current member of the Committee is the Chair, the Clerk will assume the additional responsibilities of Chair.

§17-48 Responsibilities.

A.      Reports: before March 1<sup>st</sup> of each year the Committee will approve and submit a report with their annual recommendations to the Select Board. The Committee may review the Town Bylaws, opportunities to improve town government, or topics referred to it by another town body.

B.      Best Practices Guide: the Committee will research, develop, and maintain a town "Best Practices" guide advising town's public bodies on how best to operate, hold meetings and communicate with the town. The Committee should distribute the guide to town bodies in May each year.

C.      Contribution to the Town's Annual Report: the Committee will submit a report to the town's "Annual Report" each year detailing the Committee's activities and the progress of the Town's public bodies in adopting the Committee's "Best Practices." or act in any manner relating thereto.

**## END OF DRAFT ARTICLE ##**

## ***Considerations***

Considerations pertaining to structure and eligibility identified by the Ad-Hoc Government Study Committee, and submitted for consideration, include but are not limited to;

- Determination of whether someone can serve on another board during their term on the GSC
- If town employees will be eligible to serve on the committee, if residents.

## ***Potential Topics for Proposed Standing Committee to Study***

The mandate and scope of the initial Ad-Hoc Government Study Committee, as presented to the Committee by the Town Administrator in May of 2022, outlined the roles and responsibilities of the committee. The Ad-Hoc Government Study Committee has reviewed this list and the data collected in the Fall of 2023 and proposes the following be considered for defining the mandate of the Standing Committee's work. (Please see Appendix B for the complete list as presented by the Town Administrator.)

The Ad-Hoc Government Study Committee has compiled a list of topics about which we observed interesting data, but were unable to study during our term of service. They were identified by parsing the quantitative data collected via the survey and the review of the open-ended question responses. Please see Appendix H for complete transcription and analysis of the open-ended questions.

The topics identified by the Ad-Hoc Government Study Committee as meriting more study are;

### **Annual Town Meeting Organization**

- scheduling, mechanics of voting, and accessibility

### **Town-to-Resident Communications**

- quality, consistency, frequency

### **In-Depth Look at Bylaws, Determination of Solutions**

- find inefficiencies, determine if they can/should be rectified by amending bylaws or if a Charter is required

### **Coordination Across and Between Boards and Committees**

- alignment, cooperation, consultations
- reviewing board activity to support boards in being filled and meeting regularly

## ***Suggested Considerations for Mandate***

The Ad-Hoc Government Study Committee recommends that the mandate take into consideration;

- Determination of topics to be studied
- How the topics are triaged
- A well-defined process for evaluating recommendations and providing actionable feedback
- A well-defined process for how to ratify approved recommendations

## ***Precedence***

A standing government study committee has precedence in Ipswich, Massachusetts, where a standing GSC was voted into being in 1962. In 2022, the existence of the committee was formalized in the Ipswich Town Bylaws.<sup>7</sup>

Town of Ipswich, MA

§ 35-42

§ 35-44

### **ARTICLE X**

#### **Town Government Study Committee**

**[Adopted 5-10-2022 ATM by Art. 18 , approved by the Attorney General 8-11-2022 ]**

#### **§ 35-42. Establishment and membership.**

The Town Government Study Committee was permanently established by the December 10, 1962, Town Meeting unanimous approval of Warrant Article 17. The Committee shall henceforth consist of five members with staggered three-year terms. The Select Board, Finance Committee, and School Committee shall each appoint one committee member or designee. Town Meeting shall appoint two at-large Committee members. The Committee shall post sixty-day public notice of Town Meeting at-large appointment vacancies and submit the Town Meeting warrant article for an appointment to the Committee. Should no one be appointed at Town Meeting, the first vacancy will be appointed by the Town Moderator and any second vacancy will be appointed by the Town Manager.

#### **§ 35-43. Responsibilities.**

The Select Board and Town Meeting will refer topics to the Committee for review and recommendation. The Committee makes annual reports and recommendations regarding these referred topics to the Select Board and Town Meeting on matters pertaining to Town Charter and Town Bylaws. The Committee will perform periodic broad review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature be considered, after conducting a public hearing thereon during a Select Board meeting.

#### **§ 35-44. Quorum.**

A quorum of the Town Government Study Committee shall consist of no fewer than three members.

## **END OF SECTION**

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<sup>7</sup> Ipswich Town Bylaws. Accessed via [ecode260.org](https://ecode260.org)



## **Recommendation 2: Expanding Select Board from 3 to at Minimum 5 Members**

### ***Introduction***

#### **The Lancaster Select Board**

“The Town Bylaws and General Laws of Massachusetts grant the Select Board broad powers to govern the Town. Currently, the Lancaster Select Board has three members who are elected to serve three-year terms, as defined by Bylaw.

The Select Board [appoints] more than 20 boards and committees (*permanent and ad hoc*). The Select Board acts as the primary policy-making body for a wide variety of issues, which affect the Town's development and provision of services. They recommend the budget to the Annual Town Meeting, approve the reorganization of Town departments; provide oversight for matters in litigation; and act as the licensing authority for a wide variety of licenses and permits. The Select Board also [enacts] Rules and Regulations for such matters as traffic control, underground wiring and street lighting.”<sup>8</sup>

### ***Summary Recommendation***

The Ad-Hoc Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster begin the process to adopt a five-person select board. We have included a draft warrant article in this report.

### ***Rationale***

There are two main sources of data, including qualitative and quantitative, that support the recommendation that residents in Lancaster have the opportunity to vote on whether the town should begin the process of expanding the Select Board.

### ***Source 1: Department of Local Services Report, September 2023.***

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023. Please see Appendix I for the report in its entirety.

The report explains its mandate and process as such:

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<sup>8</sup> Town Website. <https://www.ci.lancaster.ma.us/administration-select-board> Accessed 1.1.24.

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster’s implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services’ Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately the audio-visual recording of the October 2, 2023, Select Board meeting is not available on the Town website as of this report’s submission.

*Lancaster Select Board  
Meeting Minutes of October 2, 2023*

to provide concepts, and to bring these concepts forward to a developer. Ms. Turner would be in favor of more green space, preserving historic buildings, and low income senior housing.

- Division of Local Services – Financial Management Review & Update Report (Sept. ’23)  
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

**Of relevance to the Ad Hoc Committee’s recommendation to prepare a warrant article authorizing the town to begin the process of expanding the Select Board to 5 members is the following:**

“We [DLS Report] recommend considering an increase of select board membership from three to five members. Two more members may allow discussion and deliberations to continue past where a three-member board could find itself deadlocked. Additionally, this would aid in the formation of subcommittees and liaising with other boards and committees, expanding communication with a reduced risk to open meeting law violations.”

While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. This additional data should be considered when assessing this recommendation.

## **Source 2: Benchmarking**

### ***Orienting Lancaster in the Massachusetts Municipal Landscape***

There are 351 towns/cities in Massachusetts. Of those, 292 communities utilize a “Select Board – Town Meeting” form of government.

- One has 7 Select Board members (Wakefield)
- 148 have five Select Board members
- 143 have three Select Board members

### ***Benchmarking***

The GSC conducted a benchmarking exercise as part of our research. We looked at eighteen (18) towns that are geographically, economically and demographically similar (though not identical) to Lancaster. We looked specifically at the size of the Select Board in each town. Nine (9) of them had five-person select boards, and nine (9) had three-person select boards. The average population of the benchmarked towns with a three (3) person Select Board was 6,380 (rounded to the nearest whole number). The average population for benchmarked towns with a five (5) person Select Board was 7,992 (rounded to the nearest whole number).

Lancaster has a population of approximately 8,400 people, which includes the inmate population at the Souza-Baranowski. The incarcerated individuals at Souza-Baranowski, though, do not vote in Lancaster municipal elections or participate in Town Meeting, and therefore should not be included in the population total when discussing the Select Board. There are, as of September 18, 2023, 1,074 inmates at Souza-Baranowski. Therefore, the relevant population of Lancaster for the purposes of discussing a select board is 8,394-1,074, or 7,320.

With a population of approximately 7,320 people being represented by the Select Board in Lancaster, the town is ~600 residents shy of the average population for a town with a five-person board, and ~800 higher than the average population of the towns that have a three-person board.

<b>Towns with a Select Board</b>	<b>Population</b>	<b>Five Person Select Board</b>	<b>Population</b>
Princeton	3,499	Boxborough	5,425
Berlin	3,674	Harvard	5,844
Bolton	5,378	Rowley	6,131
Ashburnham	6,341	Stow	7,133
Shirley	7,279	West Boylston	7,855
Sterling	8,190	Georgetown	8,416
Westminster	8,275	Rutland	9,169
Ayer	8,400	Littleton	10,141
Pepperell	11,577	Lunenburg	11,816
<i>Average population</i>	6,957	<i>Average population</i>	7,992

## ***Resident Survey Response***

### **Question 10**

The GSC administered a survey of residents in the Fall of 2023. Question 10 addressed the size of the Select Board. The exact text of the question was:

“The Select Board (SB) is currently made up of three (3) members. Communities with a SB/Town Meeting Form of Government have the ability to elect a three (3) member, five (5) member or seven (7) member Board. What do you believe to be the most advantageous number of SB members for Lancaster?”

The available responses were “Three (3) Members”, “Five (5) Members”, “Seven (7) Members”, “I do not have enough information to make a recommendation” and “I do not have a preference on the number of members”.

### **Response**

Two hundred and forty-two (242) people responded to this question, from a total of two hundred and twenty-nine (259) surveys received.

Key insights:

- 18.6% of people indicated that the most advantageous number of Select Board members for Lancaster is 3
- 51.4% of people indicated that the most advantageous number of Select Board members for Lancaster is 5
- 7.85% of people indicated that the most advantageous number of Select Board members for Lancaster is 7

- 18.18% of people indicated they did not have enough information to make a recommendation on the most advantageous number of Select Board members for Lancaster
- 6.61% of people indicated they had no preference on the most advantageous number of Select Board members in Lancaster

**In summary, 59.25% of people indicated that the most advantageous number of Select Board members for Lancaster is at least 5.<sup>9</sup>**

Based on this data, the committee sees considerable support for expanding the Select Board. In the spirit of Lancaster's Form of Government - Open Town Meeting - the committee recommends that the Town be presented with the option to begin the process of expanding the select board (by authorizing the Select Board to request Special Legislation) at the Annual Town Meeting in May 2024.

Please see a draft warrant article for consideration on the following page.

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<sup>9</sup> Appendix I.

## ***Draft Warrant Article***

### **ARTICLE \_\_\_\_\_**

#### **Government Study Committee: Select Board Expansion**

To see if the Town will vote to authorize the Select Board to file a petition with the General Court to enact legislation which would provide that notwithstanding any other general law or special law to the contrary, that at the next annual town election after passage of such legislation, but not earlier than the 2026 Annual Town Election, the Lancaster Select Board shall consist of five (5) members, and which would provide, without limitation, a process for an election to fill the two (2) new positions, for no change to the term of office of then currently serving members, and for staggered terms of the five (5) members of the Select Board; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and to act on anything relating thereto. The requested legislation is as follows:

#### **AN ACT increasing the membership of the Select Board of the Town of Lancaster**

***Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:***

##### **SECTION 1.**

Notwithstanding any provision of any general or special law to the contrary, the number of members of the Select Board of the Town of Lancaster shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

##### **SECTION 2.**

At the first Annual Town Election following acceptance of this act by the voters of the Town, but in no event prior to the 2026 Annual Town Election, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number of votes shall serve a two (2) year term, and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

The terms of those members currently serving as Select Board members at the time of adoption of this act shall be unchanged by the adoption of this act.

##### **SECTION 3.**

This act shall be submitted for acceptance to the voters of the Town of Lancaster at the next Annual or Special Town Election following its passage, in the form of the following question which shall be placed on the official ballot:

“Shall an act passed by the General Court entitled, ‘An Act increasing the membership of the Select Board of the Town of Lancaster’ be accepted?” If a majority of the votes cast in answer to the question is in the affirmative, sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

##### **SECTION 4.**

Section 3 of this act shall take effect upon its passage.

**END OF DRAFT WARRANT**

**END OF SECTION**

## **Recommendation 3: Elected or Appointed Local Boards**

### **Introduction**

Lancaster's municipal government includes a mix of elected and appointed boards. Members of elected boards are chosen at the Annual Town Election (ATM) each May. With a handful of exceptions, the members of appointed boards are chosen by the Select Board from a pool of applicants.

The Ad-Hoc Lancaster Government Study Committee reviewed the current town boards and committees, attended a webinar that discussed the rationale for selecting a board by either appointment or election, and conducted a survey to gauge public preference regarding some of the town's boards.

**Review of Current Permanent Town Boards: How are they currently selected?**

<b>Lancaster Board</b>	<b>How Selected Currently?</b>	<b>Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)</b>
<b>Select Board</b>	<b>Elected</b>	<p><b>Must be Elected</b></p> <p>“Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law or by charter, choose by ballot from its registered voters the following town officers...Three or more selectmen for the term of not more than three years” (MGL Chapter 41, Section 1)</p>
<b>Planning Board</b>	<b>Elected</b>	<p><b>Could be Elected or Appointed</b></p> <p>Established as it exists at Town Meeting 2/10/1947 via question 27, to form a board as allowed by MGL Chapter 41 Section 81A: “...Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine.”</p>
<b>Conservation Commission</b>	<b>Appointed by the Select Board</b>	<p><b>Must be Appointed</b></p> <p>One community has obtained special legislation to alter its Conservation Commission: Wellesley. According to Michelle Girard, MACC Education Coordinator on 11/27/2003, “MACC is aware that voters in the Town of Wellesley elect members of the Natural Resources Commission, which in turn, appoints the 5 members of the Wetlands Protection Committee, which serves as the Conservation Commission.”</p>
<b>Library Trustees</b>	<b>Elected</b>	<p><b>Could be Elected or Appointed</b></p> <p>MGL Chapter 78, Section 10: “A town which raises or appropriates money for the support of a free public library, or</p>



<b>Lancaster Board</b>	<b>How Selected Currently?</b>	<b>Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)</b>
		<p>free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect.”</p> <p>Lancaster Bylaws 17-5: “The Board of Library Trustees shall be comprised of six members to be elected.”</p>
<b>Board of Health</b>	<b>Elected</b>	<p><b>Could be Elected or Appointed</b></p> <p>MGL Chapter 41, Section 1: “Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law or by charter, choose by ballot from its registered voters the following town officers for the following terms of office... Three or more members of the board of health for the term of one or more years if the town provides for such board, otherwise the selectmen shall act as a board of health.”</p>
<b>Zoning Board of Appeals</b>	<b>Appointed by the Select Board</b>	<p><b>Could be Appointed or Elected</b></p> <p>Could be made elected, or appointed by another body, via a local charter.</p> <p>“Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen” (MGL Chapter 40A, Section 12)</p>
<b>Board of Public Works</b>	<b>Elected</b>	<p><b>Could be Elected, Appointed, or Select Board could act as Board of Public Works</b></p> <p>MGL Chapter 41, Section 69D</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>“Any town which has accepted the provisions of sections sixty-nine C to sixty-nine F, inclusive, shall elect in the following manner a board of public works, hereinafter called the board, to consist of three members.”</p> <p>Town would use the procedure in MGL Chapter 41 Section 21 to change method.</p>
<b>Economic Development Committee</b>	<b>Appointed by the Select Board</b>	<p><b>Could be Appointed or Elected</b></p> <p>Lancaster Bylaws 17-45:          “The Economic Development Committee shall be comprised of five members appointed by the Select Board as follows: two members to be appointed for one year, two for two years, and three for three years. Thereafter, each member shall be appointed to a three-year term, as each term expires.”</p>
<b>Board of Assessors</b>	<b>Appointed by the Select Board</b>	<p><b>Could be Appointed or Elected</b></p> <p>MGL Chapter 41, Section 24:          “There shall be one, three, five, seven or nine assessors in every city and one, three or five assessors in every town. The assessors in every city and town shall be elected or appointed as otherwise provided by law; but as nearly one-third of their number as may be shall be elected or appointed annually, each to hold office for three years and thereafter until his successor is duly elected or appointed.”</p>
<b>Finance Committee</b>	<b>Elected</b>	<p><b>Could be Appointed or Elected</b></p> <p>MGL Chapter 39, Section 16:          “Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town; and such by-laws</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>may provide that committees so appointed or elected may continue in office for terms not exceeding three years from the date of appointment or election.”</p> <p>Lancaster Bylaws 17-1:          “There shall be a standing Finance Committee consisting of five members elected at large. The members of the Finance Committee shall be elected for alternating three-year terms.”</p>
<b>Recreation Committee</b>		<p><b>Could be Appointed or Elected</b></p> <p>Lancaster Bylaws 17-10:          “The Recreation Committee shall be comprised of seven members appointed by the Select Board as follows: two members to be appointed for one year, two for two years, and three for three years. Thereafter, each member shall be appointed to a three-year term, as each term expires.”</p>
<b>Housing Authority</b>	<b>Appointed by Select Board</b>	<p><b>Could be Appointed or Elected</b></p> <p>MGL Chapter 121B, Section 5:          “Every housing and redevelopment authority shall be managed, controlled and governed by five members, appointed or elected as provided in this section, of whom three shall constitute a quorum.”</p> <p>Lancaster Bylaws 104-1:          “The Lancaster Housing Authority is organized pursuant to the provisions of MGL c. 121, § 26K, and acts in amendment thereof and in addition thereto.”          (Section was repealed)</p>
<b>Taxation Aid Committee</b>	<b>Appointed by Select Board</b>	<b>Must be Appointed</b>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		<p>MGL Chapter 60 Section 3D:            “In any city or town establishing an aid to the elderly and disabled taxation fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the city or town treasurer and three residents of the city or town to be appointed by the mayor or board of selectmen as the case may be.”</p> <p>Lancaster established this fund at the 1999 Annual Town Meeting.</p>
<b>Historical Commission</b>	<b>Appointed by Select Board</b>	<p><b>Must be Appointed</b></p> <p>MGL Chapter 40, Section 8D:            “...in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen.”</p>
<b>Energy Commission</b>	<b>Appointed by Select Board</b>	<p><b>Must be Appointed</b></p> <p>Could not identify how this committee was established.</p> <p>MGL Chapter 40, Section 8I:            “A city or town which accepts this section may establish an energy resources commission, hereinafter called the commission, for the promotion and development of the energy resources of said city or town... in towns the members shall be appointed by the selectmen, except that in towns having a manager form of government appointments shall be made by the town manager, subject to the approval of the selectmen”</p>
<b>Cultural Council</b>	<b>Appointed by Select Board</b>	<p><b>Must be Appointed</b></p> <p>MGL Chapter 10, Section 58:            “Local cultural councils shall consist of at least five and not more than twenty-two members to be</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.”
<b>Council on Aging</b>	<b>Appointed by Select Board</b>	<b>Could be Elected or Appointed</b>  Lancaster Bylaws 17-20: “Regular Members. Until June 30, 2023, said Council shall consist of nine regular members, after which time said Council shall consist of five regular members. All members shall be at-large and appointed by the Select Board. Regular members shall be appointed on a rotating basis, each for a term of three years.”
<b>Community Preservation Act Committee</b>	<b>Appointed</b>	<b>Could be Elected or Appointed</b>  Lancaster Bylaws 17-39: “...the Committee members shall be as follows: 1. One member of the Planning Board (created by MGL c. 41, § 81a) as designated by the Board for a term of three years. 2. One member of the Conservation Commission (created by MGL c. 40, § 8C) as designated by the Commission for a term of three years. 3. One member of the Historical Commission (created by MGL c. 40, § 8D) as designated by the Commission for a term of three years. 4. One member of the Recreation Committee (created by MGL c. 45, § 2) as designated by the Board for a term of three years. 5. One member of the Housing Authority Board (created by MGL c. 121B, § 3) as designated by its Board of Directors for a term of three years. 6. Two at-large members of the general public, not Town employees or currently holding elected or appointed positions, for a term of three years, as designated by the Select Board.”

<b>Lancaster Board</b>	<b>How Selected Currently?</b>	<b>Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)</b>
<b>Commission on Disability</b>	<b>Appointed by Select Board</b>	<p><b>Must be Appointed</b></p> <p>MGL Chapter 40, Section 8J:  “in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town.”</p>
<b>Animal Control Commission</b>	<b>Appointed by Select Board</b>	<p><b>Could be Appointed or Elected</b></p> <p>Lancaster Bylaws 10-8 D:  “The Commission shall consist of not less than five nor more than seven members who shall be appointed by the Select Board. Membership should include a cross section of the community and include individuals with professional knowledge pertinent to the member’s responsibilities, (i.e., an attorney, veterinarian, police officer, humane society representative, etc.).”</p>
<b>Agricultural Commission</b>	<b>Appointed by Select Board</b>	<p><b>Must be Appointed</b></p> <p>MGL Chapter 40, Section 8L (f):  “In a town, the members of the commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a town manager form of government, the appointments shall be made by the town manager subject to the approval of the board of selectmen.”</p>
<b>Affordable Housing Trust</b>	<b>Appointed</b>	<p><b>Could be Appointed or Elected</b></p> <p>Lancaster Bylaws 17-24:  “There shall be a Board of Trustees of the Lancaster Affordable Housing Trust Fund (the</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
		"Board"), composed of one ex officio non-voting member and five voting members. The Town Administrator or the Town Administrator's designee shall serve as the ex officio member. The voting members shall include: a member of the Select Board (chosen by the Select Board) and four members appointed by the Select Board. Members must be residents of the Town of Lancaster."
Board of Registrars	Appointed	<p><b>Must be Appointed</b></p> <p>MGL Chapter 51, Section 15:  "Except as provided in section seventeen, there shall be in every city, other than one having a board of election commissioners or an election commission, and in every town a board of registrars of voters consisting of the city or town clerk and three other persons who shall, in a city, be appointed by the mayor, with the approval of the aldermen, and in a town, by a writing signed by the selectmen and filed with the town clerk."</p>

Lancaster Board	How Selected Currently?	Options for Selection per Existing Bylaws and/or Massachusetts General Law (MGL)
Personnel Board	Appointed	<p><b>May be Elected or Appointed</b></p> <p>Chapter 41, Section 108C:  “A town may consolidate, in a single chapter or article, all provisions of its by-laws pertaining to the administration of its personnel, including, among other things, the compensation plan established pursuant to paragraph (b) of section five of chapter thirty-one, the plans established pursuant to section one hundred and eight A of this chapter, and any by-laws adopted pursuant to section twenty-one A of chapter forty, and may provide by by-law for the establishment of a personnel board or other agency for the purpose of administering said plans or other provisions of its by-laws pertaining to personnel, determining any questions arising thereunder, and advising the town in any matters pertaining thereto; provided, however, such consolidated by-law shall not be subject to the approval of the attorney general as provided in section thirty-two of chapter forty.”</p> <p>Lancaster Bylaws 140-3:  This Personnel Bylaw shall be administered by a Personnel Board, consisting of three voting members appointed by the Select Board.</p>



## ***Rationale for deciding whether a board should be appointed or elected***

Members of the Committee attended a “Form Government” webinar featuring a panel of experts, hosted by the Massachusetts Municipal Association, on November 30<sup>th</sup>, 2023.

Some rationale for selecting a committee by appointment or elections was discussed. Among the considerations mentioned:

- State Requirements: in some cases the state requires that a board be elected, like the Select Board, or appointed, like the Conservation Commission.
- Desire for Direct Voter Control: the town may simply prefer to directly select members of decision-making boards.
- Desire for Board Diversity: if a board is appointed, the board responsible for appointing its members can work to seat a board that reflects a broader sample of the community.
- Need to include members who are not town residents: as only town residents can stand for election, only town residents can fill elected positions. For this reason, positions like “Treasurer” and “Town Clerk” are often appointed now, so that communities can recruit outside of their borders.
- Desire for contested elections: if there are unlikely to be contested elections for seats on a board, it may be more desirable to appoint members to that board.

## ***Survey Results Related to this Topic***

The Government Study Committee surveyed town residents in Fall 2023 about a number of matters relating to town government. Among them were questions about resident preference in regard to elected or appointed local boards. The specific survey questions were:

### **Currently Elected Committees/Boards**

- Should the Board of Health be elected or be appointed by the select board?
- Should the Finance Committee be elected or be appointed by the Select Board or Moderator?
- Should the Library Board of Trustees be elected or be appointed by the Select Board?
- Should the Planning Board be elected or be appointed by the Select Board?
- Should Public Works Commissioners be appointed or be elected?

### **Currently Appointed Committees/Boards**

- Should the Conservation Commission be appointed or elected?
- Should the Zoning Board of Appeals be appointed or elected?

## Responses for Currently Elected Boards

	Board of Health		Finance Committee		Library Trustees		Planning Board		Public Works	
Number of Responses/Percentage of Total Responses	#	%	#	%	#	%	#	%	#	%
Remain Elected	172	66%	199	77%	186	72%	212	82%	172	66%
Be Appointed by SB	35	14%	22	8%	40	15%	26	10%	49	19%
No preference	50	19%	22	8%	31	12%	19	7%	35	14%
Be appointed by Moderator*	N/A	N/A	9	3%	N/A	N/A	N/A	N/A	N/A	N/A
Blank	2	1%	2	1%	2	1%	2	1%	3	1%
Other	0	0%	5	2%	0	0%	0	0%	0	0%
<i>Total recorded responses</i>	259	-	259	-	259	-	259	-	259	-

## Responses for Currently Appointed Boards

	Conservation Committee		Zoning Board of Appeals	
Number of Responses/Percentage of Total Responses	#	%	#	%
Be Elected	139	54%	156	60%
Remain Appointed	74	29%	67	26%
No preference	44	17%	34	13%
Blank	3	1%	2	1%
<i>Total recorded responses</i>	259	100%	259	100%

***In all cases, respondents preferred an elected board over an appointed board. For the Zoning Board of Appeals and Conservation Commission, both of which are currently appointed boards, that seems to indicate a preference for a change.***

### ***Note on Process***

Survey respondents indicated a preference for elected boards over appointed boards, *given a binary* choice between the two. Survey respondents considering a binary choice might not have considered (or been aware) that the town would need to assess whether MGL requirements make a change impossible or impractical. In some cases, Massachusetts law requires that a board be elected or appointed, and in other cases, it is a decision we can make locally.

## Conclusions and Recommendations

What we learned through this study could be used to guide future town decisions, or as a topic for future studies:

- **Residents seem content to continue to directly elect boards:** if a need is realized to convert an elected board to an appointed board, the town should be prepared to provide a rationale for the change.
- Our survey identified a strong **preference for an elected Zoning Board of Appeals** among respondents. If the town pursues a charter, we might investigate whether an elected Zoning Board of Appeals would better fit the town's needs.
- Survey respondents indicated a **preference for an elected Conservation Commission**, which state law does not provide for. Residents might prefer the structure Wellesley has adopted: they elect members of a "Natural Resources Commission", which in turn, appoints the 5 members of the "Wetlands Protection Committee", which serves as the Conservation Commission. Wellesley created that structure by requesting special legislation.

**END OF SECTION**

## **Recommendation 4: Residential Requirement for Serving on Elected/Appointed Boards/Committees**

### ***Introduction***

As reviewed in the benchmarking findings, of the 18 towns we looked at 17/18 have a residency requirement for board, commission, and committee appointments. Three towns: Littleton, Rutland, and Westminster have added this residency requirement to their Town Codes.

### ***Summary Recommendation***

The Ad-Hoc Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster adopt a residency requirement to serve on town boards, commissions, and committees.

We have included a draft warrant article in this report.

### ***Rationale***

The committee deliberated this topic on multiple occasions, taking the benchmarking and town resident survey data into account, and looking at how other Massachusetts towns beyond our benchmarked peers have handled this topic.

Respondents to the fall 2023 survey expressed an overwhelming preference for a residency requirement for serving on appointed town boards in Lancaster. Of the 235 residents that answered the survey, 211 believed it, “to be in the best interest of Lancaster to require that that all Board, Committee, and Commission members be current residents”.

Residency requirements for service on volunteer town boards, committees, and commissions, and are so common that they can be considered a best practice. The benchmarking data, combined with the support of 89% of survey respondents, prompted the committee to recommend a residency requirement for Lancaster. We included a provision that current members of boards, commissions, and committees who are not town residents shall be exempt from the residency requirement until the expiration of their current terms.

The following draft article language is adapted from Avon, MA, which passed a similar article in 2011, and from Sharon, MA, which has a similar bylaw:

## ***Draft Warrant Article***

The following draft article language is adapted from Avon, MA, which passed a similar article in 2011, and from Sharon, MA, which has a similar bylaw:

### **ARTICLE \_\_\_\_ Government Study Committee: Elected Boards**

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster's General Bylaw by inserting new sections in Article XIV as follows:

***Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:***

No person shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a Town board or officer, unless such person is a resident of the Town. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the Town shall be deemed to have vacated such membership.

Non-residency may be indicated by removal from the voter list, by a census update, or by other means.

The provisions of this bylaw shall not apply to ex-officio members [including any nonresident Town officer(s) or employee(s) representing the Town in such capacity] and non-voting members. Additionally, nonresident members of a board, commission or committee holding such membership at the time this bylaw becomes effective shall also be exempt until the expiration of their terms.

## END OF DRAFT ARTICLE ##

**END OF SECTION**

## **Closing Remarks**

It is a pleasure to submit this report to the Select Board. The Ad Hoc Government Study has worked very hard for the past few months to parse data, identify topics to study, deliberate on recommendations, and craft this report. The Committee worked exceptionally well together, with a collective goal: to make substantive recommendations, backed by data, that would reflect the feedback we received via the survey and informal chats with residents. Moreover, we were diligent in producing recommendations that we believe fulfill our charge as mandated by residents at the Annual Town Meeting in May of 2022. “To provide a written report to Town Meeting...which recommends any amendments to bylaws and governing practices so as to improve the Town’s form of government and governance.”

<p style="text-align: center;"><b>ARTICLE 11</b> <b>Government Study Committee</b> <b>Select Board</b></p>
--

To see if the Town will vote to direct the Select Board to appoint a Government Study Committee pursuant to Section 304-21 of the Town of Lancaster’s General Bylaw and consisting of seven members to (a) study the Town’s form of government and governance, (b) examine models of government in comparable communities, (c) identify strengths and opportunities for growth and improvement in the Town’s current government, (d) facilitate public engage on the committee’s work, and (e) provide a written status report to the Select Board no later than March 15, 2023, and a final written report to Town Meeting no later than May 1, 2023, which recommends any amendments to the bylaws and governing practices so as to improve the Town’s form of government and governance, or to act in any manner related thereto.

Select Board recommendation:

*Finance Committee recommendation:*

***Summary:*** *The article directs the Select Board to appoint a committee to study Lancaster’s form of government as outlined above.*

## **APPENDICES**

## APPENDIX A: Committee Description from Town Website

Accessed 4 January, 2024.

The screenshot displays the official website of Lancaster, Massachusetts. The header features the town's seal and name, social media links, a language selector, and a search bar. A navigation menu includes links to About, Departments, Boards & Committees, Bids & Proposals, Job Opportunities, and Town Meetings Calendar. A 'How Do I?' button with a question mark icon is also present. The main content area is titled 'Government Study Ad Hoc Committee' and includes a breadcrumb trail: Home » Boards & Committees » Ad Hoc Committees. The page details the committee's mission, charge, and members.

**Government Study Ad Hoc Committee**

Home » Boards & Committees » Ad Hoc Committees

### Government Study Ad Hoc Committee

[Mission & Charge](#)

**MISSION:** The Committee's mission surrounds the need for the Town to review the efficacy of Lancaster's current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster's form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.

**COMMITTEE CHARGE:** The charge and duties of the Government Study Committee shall be to gather, review and make recommendations to the Select Board relative to Lancaster's Form of Government and its overall operation. Recommendations will be made in the spirit of collaboration and transparency and in-line with the goal of improving the Town's efficiency while ensuring the highest levels of professionalism, ethical standards, and transparency.

**MEMBERS:** The committee shall consist of seven (7) members, at large, appointed by the Select Board. The Committee shall appoint a chair, vice-chair, and clerk at their first official meeting. The committee will receive staff support from the Town Administrator or his/her designee. A member of the Select Board shall serve on the Committee as a liaison but shall not have voting rights.

**CURRENT MEMBERS:** Jay Moody, Russell Williston, Ann Ogilvie, Emily Taylor, David Mallette, Susan Munyon. Ex Officio - Chief Everett Moody, Chief Michael Hanson. Selectboard liaison: Jason Allison.



## APPENDIX B: Committee Mandate and Charge

### *Committee Mandate and Charge.*

May 16, 2022



Town of Lancaster  
701 Main Street • Lancaster, MA 01523  
[www.ci.lancaster.ma.us](http://www.ci.lancaster.ma.us)  
(978) 365-3326

Adopted: 05/16/22

### TOWN GOVERNMENT STUDY COMMITTEE 2022 – 2023

#### Committee Mission & Charge

The residents of Lancaster, together during Annual Town Meeting May 2, 2022, voted to establish a Government Study Committee which will work to advise the Select Board on matters related to the structure and effectiveness of Lancaster's form of government.

**BACKGROUND:** Local government operations have seen a great deal of change since Lancaster's incorporation. Developments in technology and changes in Federal, State, and local laws have affected people's lifestyles, the way we govern, and the way citizens and residents interface with government officials. Residents have requested greater transparency and open access to their government. Many Town services exist today that were simply not imagined decades ago. In recognition of these changes, Lancaster residents are faced with several questions and decisions. The formation of a Government Study Committee is based on the idea that a comprehensive study of Lancaster's form of government is both necessary and prudent if we are to operate the Town in an effective, efficient, and transparent manner.

**MISSION:** The Committee's mission surrounds the need for the Town to review the efficacy of Lancaster's current Form of Government and organizational structure. Additionally, the committee will recommend changes to Lancaster's form of government and operations, as necessary, to reflect best practices and assure effective and equitable town management, policy adherence, and the timely and consistent delivery of excellent public service.

**COMMITTEE CHARGE:** The charge and duties of the Government Study Committee shall be to gather, review and make recommendations to the Select Board relative to Lancaster's Form of Government and its overall operation. Recommendations will be made in the spirit of collaboration and transparency and in-line with the goal of improving the Town's efficiency while ensuring the highest levels of professionalism, ethical standards, and transparency.

#### *General duties of the Committee shall incorporate:*

- A Summation of Lancaster's current form of government and governance practices.
- An examination of the various types of government used throughout the Commonwealth and within various comparable communities.
- The identification of the strengths and weaknesses of Lancaster's *current* form of government.
- Recommendations to the Select Board relative to creating an official Town Charter or making various amendments to the current Town Code, Bylaws, and other governing practices.
- The facilitation of a robust and clear public engagement process that integrates diverse perspectives, comments and notions which are representative of Lancaster's population.

## APPENDIX C: *Government Structure Overview*. Hodges, Kate. August 16, 2022.



### Town of Lancaster

701 Main St • Prescott Building  
Lancaster, Massachusetts 01523  
(978) 365-3326

## MEMO

**TO:** Government Study Committee  
**CC:** Lancaster Select Board  
**FROM:** Kate Hodges, Town Administrator  
**DATE:** August 16, 2022  
**RE:** Government Structure Overview

The Government Study Committee was established pursuant to an affirmative action by Town Meeting in May of 2022. The idea of creating a Government Study Committee (GSC) was to engage a group of residents from a wide variety of backgrounds to take a critical look at Lancaster's form of government (FOG), organization of Town boards and committees and whether the creation of a Town Charter would be in the best interest of Lancaster. The Town's current governmental structure is Open Town Meeting – Select Board – Strong Town Administrator.

### I. TOWN CHARTER PURPOSE

A municipal charter is the basic document that defines the organization, powers, functions, and essential procedures of the government. It is comparable to the Constitution of the United States or a State's constitution. The charter is, therefore, the most important legal document of any government entity. Charters are granted either *directly* by a State Legislature, by way of local legislation, or *indirectly* under a general municipal corporation law following a referendum vote of the proposal by the population. In its simplest form, a municipal charter establishes the Town's name, date of incorporation, FOG and its boundaries. The charter also includes the municipality's procedures for electing or appointing its administrative officials and officers. A charter may also outline how the municipality handles certain public services or financial matters, such as the power to tax or to incur debt.

All 351 municipalities in Massachusetts must conform to state statutes when forming a city or Town Charter. Charters are required to outline all details of how the city or Town will be run. The Charter must include the FOG chosen and must detail who has what powers.

A Town Charter is the basic framework of the government form in a community and outlines:

- ✓ Town Name & FOG
- ✓ Number of Select Board or Council Members and mode of election and terms
- ✓ COO Name (Manager or Administrator) and defined roles and contract terms
- ✓ Other governmental bodies, or officials, and their means of appointment or election
- ✓ Town Moderator term and means of appointment

- ✓ Designation of a legislative branch (ex. Open Town Meeting) including size, term, composition, and what authority it encompasses.

## II. FORMS OF GOVERNMENT (FOG) IN MA

There are four basic forms of government which municipalities in Massachusetts may implement according to state legislation. Many Massachusetts communities also utilize Town Meeting as their main legislative branch. Town Meeting is a unique form of legislation almost entirely based in the Commonwealth and is not seen in other parts of the United States. There are four ways that communities are governed in the State of MA which include:

- (1) Mayor-Council,
- (2) Council-Manager,
- (3) Open Town Meeting/Select Board/Town Manager or Administrator, and
- (4) Representative Town Meeting/Select Board/Town Manager or Administrator.

Mayor-Council Form: The Mayor-Council FOG is seen mostly in cities in Massachusetts, however being a city is not a prerequisite for the Mayor-Council form. The Mayor-Council form of local government parallels the Federal American government almost exactly. Both have an elected legislature and executive branches that are elected separately. Voters elect a Mayor and a Council through open elections. As the chief executive, the Mayor appoints key officials and boards, however the Council may also have the power to appoint certain boards. In this system, very few boards and/or commissions are elected by the public. The Mayor is also the creator of the budget and oversees unions, contracts, personnel, and the complete administration of the city. In terms of legislative powers, the Council adopts the rules and regulations of the city after a series of public hearings or solicits resident input via referendums (votes).

Council-Manager Form: The governing legislative body in this system is the Council who are elected by the voters of the municipality. Their main responsibility is to provide legislative direction to the Manager. The Council also adopts budgets, laws, and may be able to approve or veto certain appointments made by the Manager. In this system, the Council is comprised of five to nine members that involve a Council President as its head. The Manager acts as the chief executive and administrative officer for the community. The Manager is appointed by the Council. The responsibilities of the Manager include the day-to-day and overall operations such as appointments, budgets, contracts, and union management. Similar to the Mayoral FOG, the legislative body in this form either includes Council-led referendums or, in some cases, a Representative Town Meeting legislative process which is discussed in more detail below.

Open Town Meeting-Select Board-Town Manager/Administrator: This FOG has three different aspects to it: Town Meeting, Select Board, and Town Manager or Administrator. Since the legislative body is made up of all citizens of the municipality there are many different opinions considered. In this FOG, an Open Town Meeting acts as the legislative body of the Town. All citizens who are registered voters meet on a given day(s) and place to elect certain board or committee members, including the Select Board, and to accept or reject other policy decisions or bylaws. The voters are given an opportunity to debate and vote on budgets, by-laws, and other issues brought forward during Town Meeting. The Select Board is generally three to five members elected by the people and collectively they make up the executive branch of the

government. The Select Board members appoint the Manager, certain board or committee members, and set municipal policy and goals.

The Town Manager or Administrator is an arm of the executive body of the Town and serves as the chief administrative, or operations, officer (CAO/COO). This authority allows them to appoint department heads, create budgets, sign contracts, negotiate with unions and run the general administration of the Town. The level of authority which is afforded to the Town Manager or Administrator depends on the language within the Town Charter which outlines their position. If the charter does not clearly define this, then specific authorities are granted through actions and affirmative votes of the Select Board relative to the delegation of duties and of certain authorities.

Town Managers tend to have more central authority than Administrators but in both instances, the differences are defined by the Board, the Town's Charter or some combination of both. The Manager or Administrator takes on the role of Chief Operations Officer (COO) and the individual serves in many capacities taking on various obligations that range from supervising the administration to ensuring the efficiency of Town activities and departments. Another difference in a Managerial FOG versus an Administrative FOG is that a Town Manager generally appoints all non-regulatory board and committee members (Recreation Committee, COA, Disability Commission, Historical, etc.) while the Select Board appoints certain regulatory boards such as the Planning Board, Board of Health, Zoning Board of Appeals and Finance Committee. Elected positions in a Select Board-Managerial FOG are generally restricted to the Select Board, Housing Authority, Town Moderator and those regulated through MA General Law.

The benefit to both the Administrator and Manager FOGs includes the ability for direct and extensive citizen participation – both at the committee level and at Open Town Meeting. In both instances, the Select Board seeks to appoint a well-qualified chief executive and that individual's focus should surround the operational needs of the Town while the Select Board, and the other related Town officials, provide policy direction and bylaw management. *If* there is a downside to this FOG, it would surround the idea of a 'shared' executive branch -- between the Select Board and the Manager/Administrator. If the Board does not clearly define the roles and authorities of the Manager or Administrator, that lack of direction *may* cause confusion regarding what responsibilities belong to whom and who supervises and is responsible for staff development and productivity. The larger the size of the legislative body, the greater the chances are that some members of the community *may* not be as well versed on issues prior to being asked to vote at Town Meeting. Therefore, regardless of the title – Manager or Administrator, this FOG relies heavily on the Select Board, as the Town's Chief Executives, dedicating time to hold consistent and frequent meetings with the community and their ability to set clear policies and delegate certain tasks and authorities to the Manager in order to efficiently handle Town business.

Representative Town Meeting (RTM)-Select Board-Town Manager/Administrator: Like the previous FOG, this too has three aspects to it: Representative Town Meeting, Select Board and Town Manger/Administrator. In order to create the Representative Town Meeting, a limited number of community members are elected, usually by district, who then represent all citizens at Town Meeting. The size of the RTM varies but can range from smaller than one hundred to more than three hundred. The RTM is the legislative body for the municipality meaning that it debates

and passes budgets, by-laws, and all other issues that arise during the Town Meetings. The executive branch is the same as in the Open Town Meeting form of government. The Select Board and Town Manager or Administrator share the responsibilities of the executive branch. The individual roles of the Select Board and the Town Manager/Administrator are the same as described in the Open Town Meeting segment above. Representative Town Meeting, for some, allows a more pointed or segmented legislative body to be involved in the government than that of an Open Town Meeting. In this form, because the Town Meeting members are elected, they *may* be more likely to be well versed in issues than those who participate in an Open Town Meeting only once or twice a year. The idea, theoretically, is that those who 'run' for a representative seat at Town Meeting would have campaigned or lobbied for their appointment and likely would be well informed about Town business. A drawback to this FOG, however, surrounds the community's ability to truly create a diverse representation of the community within the elected representative body. Additionally, it can be difficult for RTM's to reach the required quorums or to ensure that all members of the legislative body remain knowledgeable about current issues post-election. This FOG relies heavily on those elected to Town Meeting to self-govern and regulate their personal community engagement in order to stay informed about Town business and represent their district(s) effectively.

### III. CHARTER CREATION & REVISIONS

Occasionally, a governmental body may seek to revise its charter. There are several reasons to do so since the charter affects everything the governmental body does. Since it provides the basis for *most* of the municipal regulatory functions and outlines the delivery of municipal services, periodic charter reviews are both necessary and prudent to keep community's up-to-date. The process of charter changes varies, but in Massachusetts there are two ways to revise municipal charters. The key distinction between the two is the time required to complete the processes.

Home Rule/Charter Commission: Under the Home Rule Amendment to the Massachusetts Constitution and the Home Rule Procedures Act (M.G.L. Ch. 43B), cities and Towns can form a Charter Commission to adopt a new charter, entirely revise an existing charter, or amend selected charter sections. Under Section 3 of Ch. 43B, the process to form a Charter Commission is initiated when 15 percent of the voters petition the Select Board to order a local ballot question on whether to adopt a new charter (or to revise an existing one.) Once the petition and signatures are certified as valid, the Select Board has 30 days to adopt the order and place the question on the ballot of the next regular election. The only caveat to this is that the election must not be occur until 60 days have lapsed.

When votes are cast on the question of forming a *Charter Commission*, votes are simultaneously cast to elect nine (9) commission members to the Commission. If a majority of the voters approve the question, the top nine candidates are then seated on the Commission. The Commission, by Statute, must then hold its first public hearing within 45 days of the election and must complete a preliminary report within 16 months of their election to submit to the MA Attorney General for an advisory opinion. The Commission, after receiving the comments from the AG, then moves forward in completing its final report which is due within two months of the AG's review, or 18 months from the election of the Commissioners. Once complete, Charter Commission

recommendations are then placed before the voters for acceptance or rejection.<sup>1</sup> If the Commission has no recommendation, then no vote occurs.

**Graph A: Charter Commission Route (18-24 months)**



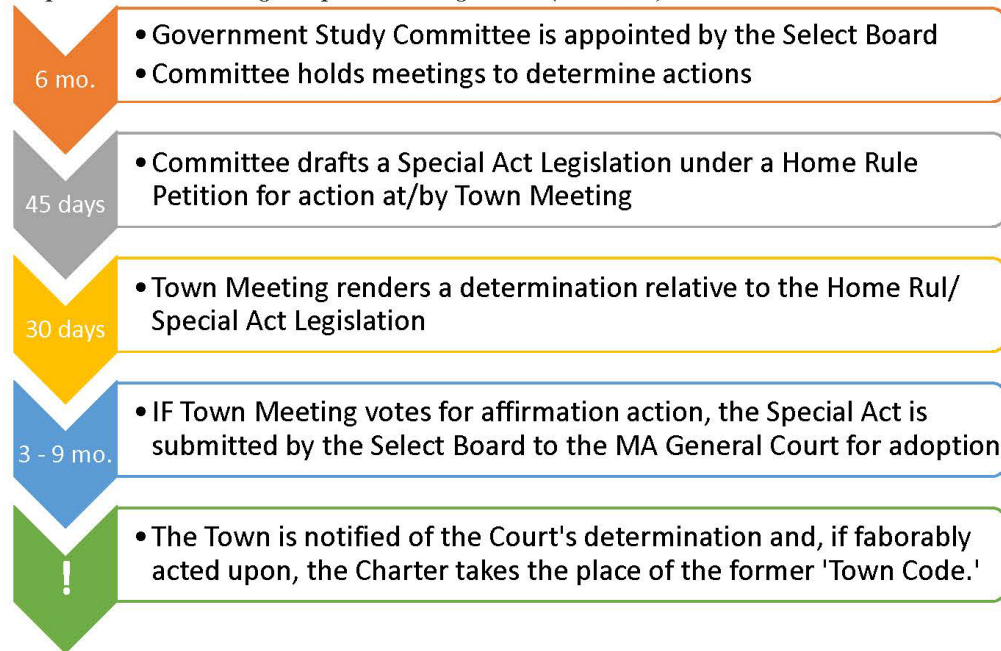
<sup>1</sup> Under Section 10 of the statute, an alternative process which does not involve a charter commission is available to amend a previously adopted or revised charter. Given this would be Lancaster's first Charter, if this path is chosen, we would need a legal review to investigate if we could utilize this method of charter creation.



*Special Legislation:* As an option to the Home Rule Charter process under Ch. 43B, communities can also adopt, revise, or amend a charter through a special act of the Legislature with approval of the Governor. The work of a Charter Commission is directed by statute and involves approximately 18-24 months of time. A special act can *generally* advance more quickly.

*Special Act:* As an alternative, a community can adopt, revise, or amend a charter by a Special Act of the State legislature. Special Acts, or special laws, involving government structure are applicable only to that particular city, or town, and with few exceptions are deemed to have the force of a charter. For towns, the approval of Town Meeting is required. As a matter of practice Town Meeting makes special laws to adopt or change a charter that are contingent on voter (Town Meeting) approval. State law does not mandate or prescribe a particular procedure for arriving at proposed charter provisions when a Special Act is drafted. However, a local government study committee, typically appointed by the Select Board, is a frequently used best method approach. The appointing authority is not restricted in the number of committee members, and will often have the Chair of the Select Board, or Council, serve as the GSC Chair to ensure consistency. The Act also defines the charge of the committee broadly to encompass all aspects of local government or to ensure that certain matters are included within the committee's focus. In its charge, the committee can also be directed to complete its work in a shorter time frame than what the law requires for a Charter Commission as discussed above. Once a charter proposal is drafted as a Special Act, it must be presented to Town Meeting for approval and authorization. Once authorized, it can then be submitted to the General Court for adoption.

**Graph B: Charter Through a Special Act/Legislation (11-18 mo.)<sup>2</sup>**



<sup>2</sup> This timetable presumes that the General Court places the matter onto the docket for review and decides within 3-6 months after receiving the approved Charter from the Board (as approved by Town Meeting).

#### IV. HOME RULE LEGISLATION

Home Rule, or “*self-governance*”, exists in MA and can be accessed when a city or town adopts a charter through the approval of its legislative body and its electorate. Presently, in Lancaster, this is through Town Meeting. With the adoption M.G.L. Ch. 43B (and Amendment Article 89) in 1966, Massachusetts created the ability to exercise local power through the approval of its legislative body (Town Meeting or a City Council) and its voters. Essentially, Home Rule Petitions allow municipalities to exercise local authorities and powers through the adoption of ordinances, laws, and charter regulations.

In Massachusetts, municipalities have limited powers under state law. A Home Rule Petition is a request from a community to the State for a new type of power from the Legislature. One example of this type of power is the ability to enact new tax regulations or exemptions from a certain aspect of state law. If a proposed Home Rule Petition is passed locally, (meaning, receives an affirmative vote at Town Meeting) the local government entity would then send the bill to its State Representative(s) and Senator(s). Those individuals would then seek to pass the action(s) at the legislative level. If successful, the petition then becomes a state law; however, it is a law that only affects that specific municipality.

The strongest exercise of Home Rule rights for any community is through actions within that entity’s charter (or, once a charter change or creation has begun, through that community’s Charter Commission). In that process, the municipality can organize their own local government in a way that best meets the needs of their citizens. This can happen without state approval. There are significant limitations to Home Rule rights including some local actions which require the approval of the State Legislature.

It is important to note that while each governmental body has the ability to propose and accept their own Home Rule Petitions, local laws or regulations can only be upheld by the legislature if the laws and regulations proposed are deemed not to be in conflict with the Commonwealth’s Constitution or any of the MA General Laws. There are specific constitutional clauses (Amendment Article 89, Section 7) which reserve the State’s authority to regulate certain areas of local government – a veto, of sorts, to Home Rule Petitions. These include any municipality’s ability to:

- ✓ govern its elections;
- ✓ set levy limits;
- ✓ assess and collect revenues and taxes;
- ✓ design and implement processes relative to borrowing money or bonding capital projects;
- ✓ pledge a municipality’s credit;
- ✓ dispose of parklands, conservation restrictions or open space;
- ✓ enact private or civil laws; or
- ✓ impose criminal penalties.

The initial responsibility to determine whether certain adopted local provisions (Home Rules) may prevail rests with the State’s Attorney General. Specifically, this duty is assigned to the



Municipal Law Unit within the AG's office. The Law Unit's protocols are listed online and State, *"Whenever a town adopts or amends its general bylaws or laws, within 30 days of adjournment of Town Meeting, the Town Clerk is required to submit them to the Attorney General's Office for review and approval. The Attorney General then has 90 days in which to decide whether the proposed amendments are consistent with the Constitution and the Laws of the Commonwealth. If the Attorney General finds an inconsistency between the proposed amendments and state law, the amendments, or portions of them will be disapproved. The Municipal Law Unit is responsible for undertaking this review and for issuing a written decision approving or disapproving bylaw amendments."*

Regarding either the creation or amendment of charters, the Law Unit's procedures dictate, *"... whenever a city or town seeks to adopt or amend its charter pursuant to the Home Rule Procedures Act, the proposed charter or charter amendments must be submitted to the Attorney General for his opinion as to the consistency between the charter (or charter amendments) and state law. The Attorney General then has 28 days in which to make this determination. The Municipal Law Unit is responsible undertaking this review and issuing a written decision."*

## **V. CONCLUSION**

The Work of the GSC is critical for the Town to be successful in modernizing and conducting business in an efficient and effective manner. That said, there are many decisions and discussions which need to take place at the committee level. As members of the GSC, you will determine what may be in the best of Lancaster relative to its form of government and how Town business should be conducted. This effects Lancaster's current and future community members and businesses.

Each form of government, and the notion of creating a Town Charter, has pros and cons. As a first order of business for the committee, I believe it would be worthwhile for the group to determine whether the creation of a Town Charter would be prudent and, if so, what the best means for devising and adopting a charter may be. Thereafter, the committee may wish to outline a plan relative to drafting and vetting certain language and topic areas within the charter. Additionally, considerations relative to Lancaster's form of government will be essential. What mode fits Lancaster best? Is Lancaster's current structure completely fine 'as-is' or would changes to our current structure or processes add efficiency or greater accountability? Are the separately elected boards or committees a good thing? What boards and committees should be elected?

Answers to each of these questions will likely determine the committee's future agenda items and task priorities. As staff liaison to the committee, I am available to answer questions or provide any information which the group may find beneficial to its work. If there is anything I can provide, please do not hesitate to contact me directory either via email to [khodges@lancasterma.net](mailto:khodges@lancasterma.net) or telephone at (978) 365-3326 x1016.

Thank you.

# APPENDIX D: CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE

## Department of Housing and Community Development

### CHANGING MASSACHUSETTS LOCAL GOVERNMENT STRUCTURE

Massachusetts state law provides several routes for cities and towns to make changes in the organizational structure of local government:

- election of a charter commission and subsequent adoption of the commission's proposed charter;
- a petition for enactment of special municipal legislation; and
- using bylaws and "permissive" legislation to enact structural change

Each route is described briefly below.

**HOME RULE CHARTER COMMISSION:** Over 130 charter commissions have been elected since the adoption of the Home Rule Amendment to the Constitution of the Commonwealth of Massachusetts in 1966. The procedures for creation of a charter commission are outlined in Massachusetts General Laws, (M.G.L.) Chapter 43B (see DHCD publication, *The Home Rule Amendment and the Home Rule Procedures Act*). In summary, any city or town, upon petition of 15% of the registered voters may vote to elect a nine-member charter commission to prepare a charter. A charter serves as the basic framework of the government structure, identifying officials to be elected and appointed, size and composition of the legislative body, appointment authority, operating and capital budget preparation, organization of departments, etc. A charter commission has a maximum of 18 months to prepare a proposed charter, but may choose to complete the task in 10 months. Following its election, a commission considers the options for changing local government structure, and seeks participation from the residents via public meetings, public hearings, publication of a preliminary report, and issuance of a final report. The requirements for public participation are described in Chapter 43B. To take effect, a charter proposal must be adopted by a majority of the voters at a municipal election. In towns, some charter commissions follow a 10 month schedule, and present a charter proposal to the voters at the annual election one year following the commission's election. If the commission chooses to follow the 18 month schedule provided in the law, the charter proposal would be presented to the voters at the municipal election two years following the election of a commission. (This procedure is most applicable to cities with biennial elections.)

The election of a commission, the preparation of a charter, and the submission of a proposal to the voters is a major undertaking; most towns make one or more significant changes in their structure, including, but not limited to:

- create a general management position (town administrator, town manager, etc.)
- change elected boards, commissions, and officials to appointed status
- establish or consolidate local departments; include enabling provisions to allow organizational changes as circumstances require
- establish budget and capital plan procedures

The DHCD publication, *Summary of Home Rule Charter Provisions in Massachusetts Municipalities*, highlights the major features of charters.

**SPECIAL MUNICIPAL LEGISLATION:** Prior to the adoption of the Home Rule Amendment, the most comprehensive changes in local government were made by means of a petition for special legislation (the "special act"). Prior to 1966, towns used the special act route to adopt "special act charters." Towns using this route to create the selectmen-town manager form of administration included Norwood, Middleborough, Holden, Wilmington, and Danvers. This option remains available today and has been used in approximately 35 communities, including Westford, Great Barrington, Lee, Lenox, Ashburnham, Sheffield, and Yarmouth.

The procedures governing special act adoption are:

1. passage by majority vote of warrant article or resolution proposing the special legislation
2. petition to the General Court (state legislature) to enact the proposed legislation
3. approval of the petition by state House of Representatives and state Senate
4. signing by the Governor

In some instances, the petition may require that the act become effective only upon acceptance by a majority of voters at the next regular municipal election (sometimes referred to as ratification). In other instances, the act may contain a certain date when the provisions take effect, or the act may state that its provisions become effective upon passage. Municipalities can be guided by the Home Rule Amendment that defines changes in

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- create a general management position (town administrator, town manager, etc.)
- change elected boards, commissions, and officials to appointed status
- establish or consolidate local departments; include enabling provisions to allow organizational changes as circumstances require
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4. signing by the Governor

In some instances, the petition may require that the act become effective only upon acceptance by a majority of voters at the next regular municipal election (sometimes referred to as ratification). In other instances, the act may contain a certain date when the provisions take effect, or the act may state that its provisions become effective upon passage. Municipalities can be guided by the Home Rule Amendment that defines changes in

the legislative body, chief executive, or town manager as requiring the election of a charter commission, and a ballot vote on recommended changes.

Communities can also use the special act route to make more discrete changes -- e.g., combining the positions of an appointed collector and treasurer, changing an elected board or commission to an appointed one, creating a consolidated department, and adopting recall provisions.

**USING BYLAWS AND PERMISSIVE LEGISLATION (review options with counsel prior to proceeding):**

Towns may accomplish some structural, administrative, and organizational changes through adoption of bylaws. In several management areas, notably personnel administration, there have been recent efforts to adopt comprehensive bylaws. Other towns have used bylaws to encourage coordination among related offices (e.g., all those with financial duties). Also, the Massachusetts General Laws provide some organizational options for communities through "permissive" or enabling legislation, such as:

- **Chapter 41, section 1B** (enacted in 1997) allows a vote of town meeting followed by a ballot vote at the annual town meeting/election to change certain elected positions to appointments of the board of selectmen (applies to clerk, treasurer, tax collector, assessors, auditor, highway surveyor, sewer commissioners, road commissioners, tree warden, constables, boards of health). Elected officials in office at the time of such vote would complete their terms before the appointment provisions took effect. (*Note:* Section 1B does not apply to boards of selectmen or school committees, which must remain elected.)

- **Chapter 41, section 21** allows selectmen to act as certain offices (Water and Sewer Board, Water Commission, Water and Municipal Light Commissioners, Municipal Light Board, Sewer Commissioners, Park Commissioners, Board of Public Works, Board Health, Board of Assessors, Commission on Public Safety).

*For Chapter 41, Section 1B and Section 21, the question/questions of authorizing the board of selectmen to appoint particular offices or multiple member bodies must be placed on the ballot at an annual election. The question(s) may be placed on the ballot by a vote of the town meeting held at least sixty days before the annual town meeting. For Section 21, the question(s) authorizing selectmen to act as certain boards may be also be placed on the ballot upon petition by 10 per cent of qualified voters and filed with the selectmen at least 60 days before the annual town meeting.*

- **Chapter 41, section 2** sets out a procedure for increasing or decreasing the number of members of elected boards (*not applicable to boards of selectmen -- see MGL, c. 43B, section 13*).

- Selectmen may be granted the authority to appoint cemetery commissioners, chiefs of police and fire departments, assessors, superintendent of streets, or board of health. (see also **Chapter 41, section 21**)

Other enabling options include:

- Appointment of assessors by the selectmen (**Chapter 41, section 25**)

- Combining the positions of treasurer and collector. The town may vote to authorize the treasurer to act as collector. (**Chapter 41, section 1**).

- The town clerk may be appointed town accountant, if he/she holds no other office involving the disbursement or receipt of funds. (**Chapter 41, section 55**)

- **Chapter 40N** allows the establishment of a water and sewer commission as a body corporate and politic.

- **Chapter 43C** provides a procedure for creating three consolidated departments -- finance, community development, and inspections. Chapter 43C defines the features of bylaws establishing these departments.

**Any procedural option under consideration should be reviewed by local legal counsel prior to proceeding.** *Cities and towns are guided by the Home Rule Amendment, which defines changes in the legislative body, chief executive or town manager as requiring either adoption/revision of a home rule charter or enactment of special legislation.*

## Appendix E: Benchmarking

Town	Population	Area (sq. miles)	Road Miles	Conservation Land (acres)	Form of Gov't	Chief Executive Officer (CEO)	# SB members	Charter	Master Plan Year	Gov't Study Year
Princeton	3499	35.83	77	4900	OTM	TA	3	NO	Currently updating	N/A
Berlin	3674	12.97	44.67		OTM	TA	3	NO		N/A
Bolton	5378	20	66	2000+	OTM	TA	3	NO	2006	N/A
Boxborough	5425	10.39	41.4		OTM	TA	5	NO	2016	2017
Harvard	5844	26.99	79	1700	OTM	TA	5	YES	2016	adopted 5/8/2018
Rowley	6131	18.21	51.81		OTM	TA	5	NO		N/A
Ashburnham	6341	38.37	97.6		OTM	TA	3	YES	2022	N/A
Stow	7133	18.11	62	542	OTM	TA	5	YES	Charter adopted on 5/13/1991	
Shirley	7279	15.91	51	812	OTM	TA	3	NO	2018	N/A
West Boylston	7855	12.95	63	210	OTM	TA	5	NO	2005	unknown
Sterling	8190	31.58	95	318.4	OTM	Select Board	3	NO	2018	2012
Westminster	8275	35.43	111.05	7610	OTM	TA	3	NO	2014	2016
Ayer	8400	9.6	51	440	OTM	TA	3	No, but has Articles of Incorporation	2017-2018	2010
Georgetown	8416	12.86	64.58		OTM	TA	5	NO, charter was recommended by a MA DoR Review in 2013, but has not been implemented	2007	N/A
Lancaster	8455	27.47	75.14	3161	OTM	TA	3	NO	2007	N/A
Rutland	9169	35.1	105.66		OTM	TA	5	NO	2000	N/A
Littleton	10,141	17.57	86.32	>2000	OTM	TA	5	NO	2017	N/A
Pepperell	11,577	22.6	87.39	2700	OTM	TA	3	YES	2020	N/A
Lunenburg	11816	27.7	92	2000	OTM	Town Manager	5	YES	2002, updates 2007/2008	2019

Benchmarking: Boards			
Town	Elected Boards	FinCom	DPW
Ashburnham	Moderator, Select Board, Board of Health, Planning Board, Library Trustees, Municipal Light Board, School Committee	N/A	Overseen by TA
Ayer	School Committee, Board of Health, Commissioner of Trust Funds, Constables, Library Trustee, Moderator, Park Commission, Planning Board, Select Board	Appointed by Moderator	Unknown
Berlin	Select Board, Assessors, Board of Health, Planning Board, Cemetery Commissioners, Library Trustees, Town Moderator, School Committee, Trustee of Trust Funds, Collector of Taxes	Appointed by SB	Overseen by TA
Bolton	Moderator, Town Clerk, Select Board, Board of Health, Board of Assessors, Cemetery Committee, Library Trustee	Appointed by Moderator	Overseen by TA
Boxborough	Planning Board, Health, Town Moderator, Town Clerk, Library, Constable, School Committee	Appointed by Moderator	Overseen by TA
Georgetown	Select Board, Town Clerk, Moderator, Assessor, Highway Surveyor, School Committee, Light Commissioner, Water Commissioner, Library Trustee, Planning Board	Finance and Advisory Committee, Appointed by Moderator	Overseen by TA
Harvard	Select Board, Library Trustees, School Committee, Warner Free Lecture, Moderator	Appointed by Moderator	Overseen by TA
Lancaster	Select Board, Board of Health, Board of Public Works, Finance, School Committee, Planning Board, Library Trustees, Town Moderator	Elected	Overseen by Elected Board
Littleton	Assessors, Health, Cemetery, Housing Authority, Light Dept, Library, Parks and Rec, School, Planning, SB, Town Clerk, Town Moderator, Water	Appointed by SB/Moderator	Overseen by TA
Lunenburg	Moderator, Select Board, Sewer Commissioner, BOH, Assessor, School Committee, Park Commissioner, Cemetery Commissioner, Library Trustee, Planning Board, Housing Authority	1 member of Select Board, 1 member of school committee & Town Moderator	Unknown
Pepperell	Assessor, Board of Health, Library Trustees, Planning Board, Public Works, Recreation Commission, Board of Selectmen, School Committee	Appointed by SB	Overseen by Elected Board
Princeton	Moderator, Trustees of Trust Funds, Planning Board, Municipal Light, Board of Assessors & Board of Trustees	Appointed by Select Board	Overseen by TA
Rowley	Board of Selectmen, Assessors, Planning Board, Cemetery Commission, Shellfish Commission, Constable, Housing Authority, Municipal Light Board, Municipal Water Board, Library Trustees, School Committee	Appointed by Select Board	Overseen by TA
Rutland	Moderator, Assessor, Town Clerk, Library Trustees, School Committee, Planning Board, Board of Health, Select Board	Appointed by Moderator	SB acts as the Board of Public Works
Shirley	Board of Assessors, Board of Health, Constable, Library Trustee, Moderator, Planning Board, Recreation Commission, School Committee, Sewer Commission, War Memorial Trustee	Appointed by Moderator	Unknown
Sterling	Select Board, Board of Health, Board of Public Works, Finance, School Committee, Planning Board, Library Trustees, Town Moderator, Assessors, Constables, Housing Authority, Light Board	Appointed by SB, FinCom, Moderator	Overseen by DPW Board only
Stow	Select Board, Board of Assessors, Board of Health, School Committee, Stow Housing Committee, Library Trustee, Planning Board, Moderator, Highway Superintendent	Appointed by Moderator	Overseen by TA
West Boylston	Moderator, Select Board, School Committee, Cemetery Trustees, Library Trustees, Planning Board, Municipal Light Board, Housing Authority & Water Commissioners	Appointed by Select Board	Appointed by Town Administrator
Westminster	Board of Selectmen, Board of Health, Assessor, Library Trustees, Park Commissioner, Planning Board, Housing Authority, Constable, Cemetery Commission, School Committee,	N/A	Board is appointed by SB

## APPENDIX F: Survey Questions

1. How many years have you lived in Lancaster?
2. What is your current age?
3. Are you the parent or guardian of a school-age child(ren) living in Lancaster?
4. As a parent/guardian of a Lancaster student, which school category best describes your child(ren)'s enrollment?
5. Do you currently serve, or have you ever served, on an appointed or elected Lancaster Board, Committee or Commission?
6. If YES, select all Boards/Committees which you have served with.
7. Lancaster has an Open Town Meeting form of government. By statute, this requires that participants be present in person in order to cast their votes relative to Town business. Do you believe such limitations are appropriate for Lancaster?
8. Do you regularly attend Town Meeting(s)?
9. Do you regularly vote in the Town's Annual Election, typically held in May each year, where residents cast their votes to elect residents to certain Town Board and Committees ?
10. The Select Board (SB) is currently made up of three (3) members. Communities with a SB/Town Meeting Form of Government have the ability to elect a three (3) member, five (5) member or seven (7) member Board. What do you believe to be the most advantageous number of SB members for Lancaster?
11. Lancaster's Board of Health (BOH) members are elected. Do you believe this is in the best interest of Lancaster or should BOH members be appointed by the Select Board?
12. Lancaster's Finance Committee members are elected. Do you believe this is in the best interest of Lancaster or should Finance Committee members be appointed by the Moderator, Select Board or another appointing authority?
13. Lancaster's Library Trustees are elected. Do you believe this is in the best interest of Lancaster or should Trustees be appointed by the Select Board?
14. Lancaster's Planning Board members are elected. Do you believe this is in the best interest of Lancaster or should Planning Board members be appointed by the Select Board?
15. Lancaster's Public Works Committee members are elected. Do you believe this is in the best interest of Lancaster or should Public Works Committee members be appointed by the Select Board?
16. Lancaster's Conservation Commission members are appointed. Do you believe this is in the best interest of Lancaster or should Conservation members be elected by the Town Residents?

17. Lancaster's Zoning Board of Appeals (ZBA) members are appointed. Do you believe this is in the best interest of Lancaster or should ZBA members be elected by the Town Residents?
18. Do you believe it to be in the best interest of Lancaster to require that all Board, Committee and Commission members be current residents of Lancaster?
19. Lancaster currently utilizes a Town Code which is a compilation of several MA General Laws, Ordinances and Bylaws that are bound together in a large text, by chapter and subject matter, and added to/amended as needed by an ECode service through the State. The Codes are used and consulted when determining Lancaster operations and within what legal parameters or guidelines the Town may, or should, operate. The ECode Book is maintained and amended by an outside firm and is updated as bylaws and MGL's change. Some communities choose to have a Municipal Charter as the governing document which establishes the municipality's form of government, elected and administrative officials, and municipal elections and Town boundaries. Charters outline how the government is organized and handles public services. It also outlines the means and models by which the Town handles its financial matters, such as the power to tax and to incur debt or bond. A Charter contains information regarding Town boards, commissions and committees. While a Charter 'sets the stage' for how Towns operate, specific details and parameters are subsequently outlined by Town policies, bylaws and resolutions which are not part of the charter, but are incorporated into the operational and management guides for the Town. These may be amended at Town Meeting or by the Town Regulatory authorities similar to the Codes. Given the background above, although limited, do you believe Lancaster is best served through its current Town Code or should the Town seek to draft and enact a formal Town Charter?
20. How do you generally receive information about the Town Lancaster and its Government Operations?
21. Do you have any topic suggestions which you believe the Government Study Committee should discuss or investigate?



# APPENDIX G: Massachusetts Department Of Correction

## Weekly Inmate Count Report September 18, 2023

### Massachusetts Department of Correction Weekly Count Sheet

DATE : September 18, 2023

		OPERATIONAL CAPACITY <sup>1</sup>	INMATES IN GENERAL POPULATION BEDS <sup>2</sup>	OPERATIONAL OCCUPANCY <sup>3</sup>		INMATES IN SUPPORT BEDS <sup>4</sup>	TOTAL FACILITY OCCUPANCY
MAXIMUM	MCI CEDAR JUNCTION @ WALPOLE	619	0	0%		-	-
	SOUZA - BARANOWSKI CORRECTIONAL CENTER	1,444	937	65%		137	1,074
	SUB-TOTAL MAXIMUM	2,063	937	45%		137	1,074
MEDIUM	MASSACHUSETTS TREATMENT CENTER	680	487	72%		7	494
	MCI CEDAR JUNCTION @ WALPOLE	72	0	0%		-	-
	MCI CONCORD	614	303	49%		66	369
	MCI FRAMINGHAM	469	166	35%		28	194
	MCI NORFOLK	1,367	1135	83%		26	1,161
	MCI SHIRLEY	1,034	753	73%		66	819
	NCCI GARDNER	959	707	74%		8	715
	OLD COLONY CORRECTIONAL CENTER	658	391	59%		44	435
	SHATTUCK CORRECTIONAL UNIT (S4)	29	14	48%		0	14
	STATE HOSPITAL @ BRIDGEWATER	372	258	69%		-	258
	SUB-TOTAL MEDIUM	6,254	4214	67%		245	4,459
MINIMUM	MASAC @ PLYMOUTH	251	81	32%		-	81
	NCCI GARDNER (Minimum)	30	0	0%		-	-
	OCCC (Minimum)	160	64	40%		-	64
	SUB-TOTAL MINIMUM	441	145	33%		-	145
MINIMUM/ PRE-RELEASE	BOSTON PRE-RELEASE	200	31	16%		-	31
	NECC @ CONCORD	277	188	68%		-	188
	PONDVILLE CORRECTIONAL CENTER	204	111	54%		-	111
	SUB-TOTAL MINIMUM/PRE-RELEASE	681	330	48%		-	330
DOC FACILITIES							
TOTAL CUSTODY POPULATION		9,439	5,626	60%		382	6,008
NON-DOC FACILITIES	DOC inmates in County Houses of Correction	n.a.	63	n.a.			
	DOC inmates in DYS	n.a.	1	n.a.			
	DOC inmates in Federal Custody	n.a.	8	n.a.			
	DOC inmates in Interstates	n.a.	67	n.a.			
	Massachusetts Department of Corrections Electronic Monitoring Program	n.a.	6	n.a.			
	SUB-TOTAL DOC INMATES IN NON-DOC FACILITIES	n.a.	145	n.a.			
TOTAL JURISDICTION POPULATION		n.a.	6,153	n.a.			

<sup>1</sup>Operational capacity, according to the Association of State Correctional Administrators (ASCA), is the number of beds authorized for safe and efficient operation of the facility. It does not include beds reserved for discipline, investigations, infirmary or other temporary holds for special purposes.

<sup>2</sup>Inmates in general population beds represent inmates housed in units designated to be part of the operational capacity.

<sup>3</sup>The operational occupancy is based on facility occupancy and does not include those housed in support beds.

<sup>4</sup>Inmates in support beds represent inmates housed in units dedicated to housing for special purposes.

<sup>5</sup>The Massachusetts Department of Correction has temporarily suspended the operations of housing units that hold minimum-security and pre-release inmates at MCI-Shirley and South Middlesex Correctional Center.

A pie chart showing the distribution of responses for the question 'What is the most important factor in choosing a bank?'. The chart is divided into seven segments, each representing a different factor. The segments are labeled with their respective percentages: ATM (23.8%), Board (14.8%), Economic (13.1%), Communication (10.8%), Elected v (14.8%), Human (12.1%), and Out of Scope (3.7%).

Factor	Percentage
ATM	23.8%
Board	14.8%
Economic	13.1%
Communication	10.8%
Elected v	14.8%
Human	12.1%
Out of Scope	3.7%

## APPENDIX I: DLS REPORT



Geoffrey E. Snyder  
Commissioner of Revenue

Sean R. Cronin  
Senior Deputy Commissioner

September 18, 2023

Select Board  
Prescott Building  
701 Main Street  
Lancaster, MA 01523

Dear Board Members:

I am pleased to present the enclosed Financial Management Review Update for the Town of Lancaster. It is my hope that our guidance provides direction and serves as a resource for local officials as we work together to build better government for our citizens.

If you have any questions regarding the report, please contact Zack Blake, Financial Management Resource Bureau Chief, at (617) 626-2358 or [blakez@dor.state.ma.us](mailto:blakez@dor.state.ma.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Sean R. Cronin".

Sean R. Cronin  
Senior Deputy Commissioner

## TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>1</b>
<b>RECOMMENDATION STATUS SUMMARY.....</b>	<b>6</b>
<b>PRIOR RECOMMENDATIONS.....</b>	<b>7</b>
<b>NEW RECOMMENDATIONS .....</b>	<b>13</b>
Consider Key Structural Changes Through the Government Study Committee.....	13
Revisit the Agreement with the Lancaster Sewer District .....	14
Plan for Succession in Finance Departments.....	14
<b>ACKNOWLEDGEMENTS.....</b>	<b>15</b>

## INTRODUCTION

At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster's implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services' Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).

Lancaster is a small, Worcester County community of 8,455 residents. Lancaster has historically been a rural community with significant agricultural interests, supported most recently by town meeting passing a bylaw designating it a right to farm community in 2009. The town's nature has made it attractive to a number of tax-exempt organizations, such as a small private college and several religious organizations. Furthermore, the state and federal government own a significant portion of the total land in Lancaster, which leaves approximately half of Lancaster's land tax-exempt and not producing revenue for the town. Lancaster is also a member of the Nashoba Regional School District and the Minuteman High School.

In 1999, DLS was invited by the select board to perform a Financial Management Review. The report's main findings centered around a few broad financial and organizational issues. At that time Lancaster had a history of insufficient planning for financial reserves, leading to negative free cash certifications in prior years. There were also significant capital projects on the horizon, highlighting the need for a robust capital planning and budget process. The town's general organizational structure was described as decentralized, with siloed departments operating without active collaboration or strategic planning. In addition, the town accountant was a part-time position not available during regular business hours, further handicapping Lancaster's day-to-day financial analysis and planning capability. The town's horizontal structure and loosely defined lines of accountability left it underequipped to deal with its financial challenges.

In 2023, Lancaster is on better footing than it was two decades ago, although some issues remain. With regard to reserves, the town has reversed its previous position and has maintained healthy amounts of free cash and stabilization fund balances since FY2013, and has been maintaining a capital stabilization fund since FY2017. While the town's official organizational structure is not radically different, a special act in 2002 established a full-time finance director/town accountant position, strengthening and partially centralizing financial operations. The select board and new town

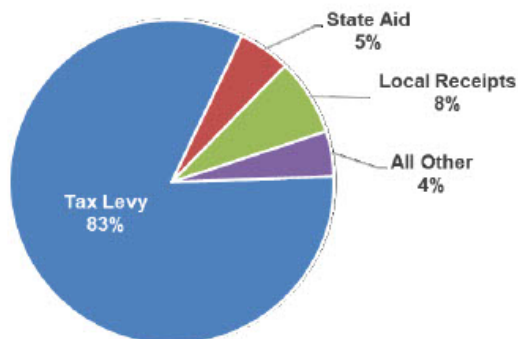


administrator have sought to create a formal operating and capital budget process by consolidating budget preparation through the town administrator's office. However, this has caused tension with the finance committee, which has historically handled significant portions of the budget process, despite bylaws outlining an advisory role for the committee. While we continue to recommend centralizing budget planning through a professional administrator or manager, Lancaster's legacy of horizontal structure and uncoded processes has hindered meaningful changes. Recognizing these hurdles, the town has established a charter review committee tasked with evaluating charters with a formal budget process, including the roles and responsibilities of the select board, administrator, finance committee and other stakeholders.

### Financial Overview

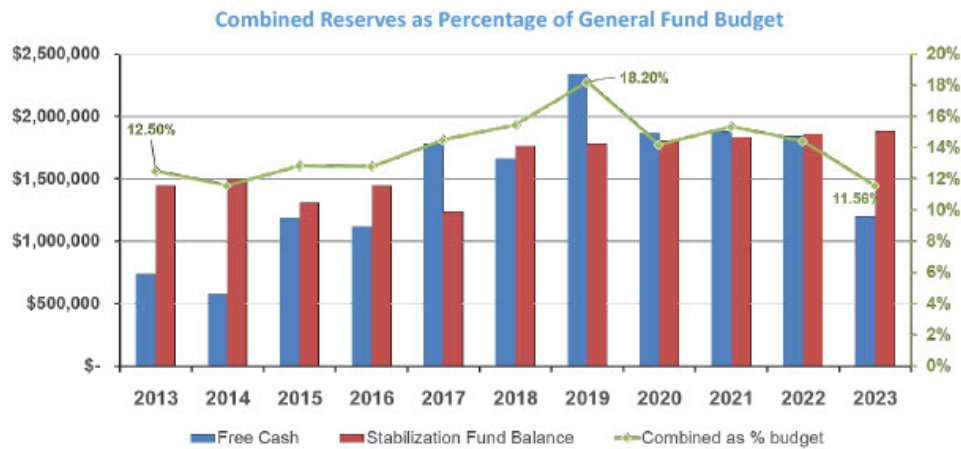
Lancaster's FY2023 general fund budget was \$26.7M, not including a \$2.1M water enterprise fund and a \$145K renewable energy (solar) enterprise fund. The town has also adopted the Community Preservation Act (approved by the voters in 2022), with an estimated \$162K in revenues for FY2023. Lancaster's general fund revenue sources are comprised primarily of the property tax levy at 83%, local receipts at 8%, state aid at 5%, and other miscellaneous receipts at 4%.

FY2023 Revenue Allocation



In FY2023 Lancaster had \$1.2M in certified free cash and \$1.9M in its general stabilization fund, for a combined \$3.1M in reserves, equivalent to 11.6% of its FY2023 general fund budget. Lancaster has maintained a strong reserves position for the past decade, with combined free cash and stabilization fund amounts never dipping below 11.56% of revenue. This is a significant improvement, with the 1999 FMR noting that Lancaster had a negative average free cash amount from FY1990 – FY1999. However, while the town's reserve position is strong, free cash certifications have been in decline from a high point of 10.3% of budget in FY2019, down to 4.5% in FY2023. The town has often

appropriated free cash to fund non-recurring items in the operating budget, a practice we recommend against. However, the FY2023 budget included the use of free cash only for non-recurring capital items, a practice we encourage the town to continue in future fiscal years. The town's stabilization fund balance has fluctuated less, remaining between 7-8% of the general fund budget in the same time period. Lancaster has also maintained a capital stabilization fund since FY2017 with an FY2023 balance of \$279,377.



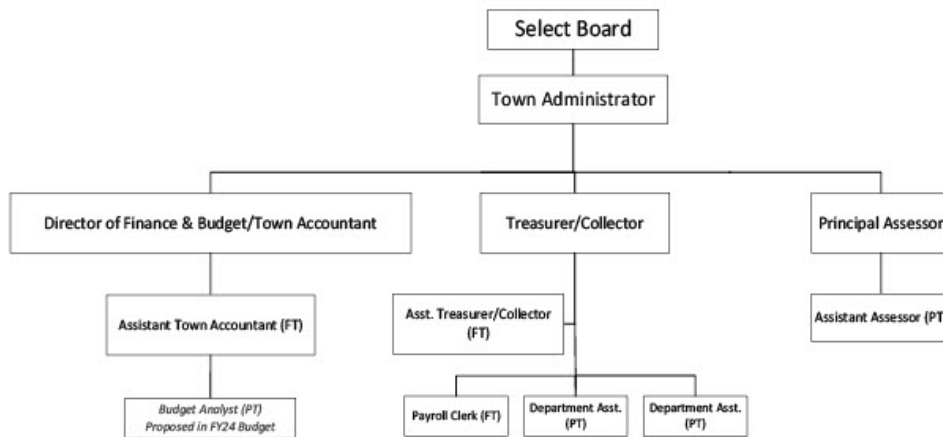
Fiscal Year	General Fund Budget	Free Cash	Free Cash as % of Budget	Stabilization Fund Balance	Stabilization Fund as % of Budget	Combined Reserves	Combined as % budget
2013	\$17,487,523	\$739,486	4.23%	\$1,447,148	8.28%	\$2,186,634	12.50%
2014	\$17,954,054	\$578,798	3.22%	\$1,499,761	8.35%	\$2,078,559	11.58%
2015	\$19,438,882	\$1,189,146	6.12%	\$1,308,979	6.73%	\$2,498,125	12.85%
2016	\$20,068,290	\$1,120,283	5.58%	\$1,447,939	7.22%	\$2,568,222	12.80%
2017	\$20,823,600	\$1,780,676	8.55%	\$1,240,572	5.96%	\$3,021,248	14.51%
2018	\$22,157,838	\$1,660,870	7.50%	\$1,764,778	7.96%	\$3,425,648	15.46%
2019	\$22,649,547	\$2,339,523	10.33%	\$1,781,770	7.87%	\$4,121,293	18.20%
2020	\$25,902,617	\$1,870,524	7.22%	\$1,805,280	6.97%	\$3,675,804	14.19%
2021	\$24,251,917	\$1,886,477	7.78%	\$1,834,620	7.56%	\$3,721,097	15.34%
2022	\$25,706,416	\$1,846,533	7.18%	\$1,862,234	7.24%	\$3,708,767	14.43%
2023	\$26,686,964	\$1,199,455	4.49%	\$1,884,255	7.06%	\$3,083,710	11.56%

### Structural Overview

Lancaster operates with a three-member select board and an open town meeting form of government. A 2002 special act ("An Act Establishing a Department of Finance and Budget in the Town of Lancaster") created the position of finance director/town accountant who reports to the select board and supervises the accounting, treasurer/collector, and assessing offices. There is a five-

member, elected finance committee tasked with reviewing the budget and developing recommendations for town meeting, though the committee has served in a budget preparation role in the past. An elected Board of Public Works oversees the public works departments (highway and cemetery) and water enterprise fund, while the Lancaster Sewer District provides sewer service independent from town administration.

The roles of the select board and town administrator were laid out in a policies and procedures document adopted by the select board in July 2018 and codified under Chapter 304 Section 8 of town bylaws. These bylaws establish the select board as Lancaster's primary policymaking body, explicitly stating that the board will refrain from engaging in day-to-day supervisory activity over town departments. This role is instead delegated to the town administrator as chief operating officer and finance director/town accountant with regard to financial management. This is in line with FMRB best practice, as a professional town administrator is in a better position to administer daily operations and implement the broad policy directives of the board, as well as representing a single point of accountability for town staff.



**FTE Count: Financial Offices**

Finance/ Budget/Accounting	Treasurer/Collector	Assessing	Total
2.5	4	2	8.5

The town's administrative and financial management offices are relatively lean, like many small towns. A full-time executive assistant in the select board office manages clerical duties, various day-to-day tasks, and assists the board and town administrator in coordinating with other parties. The finance director also serves as the town accountant, and in that capacity supervises a full-time assistant town accountant. The FY2024 proposed budget includes funding for a part-time budget



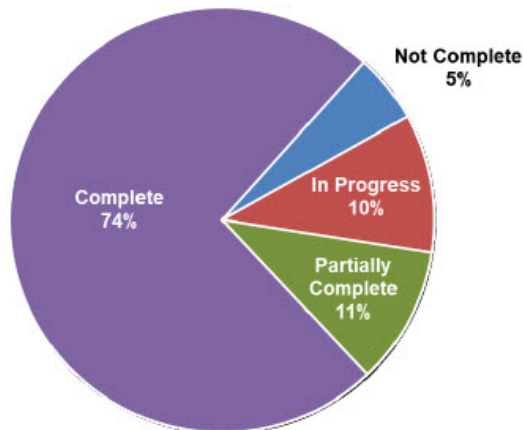
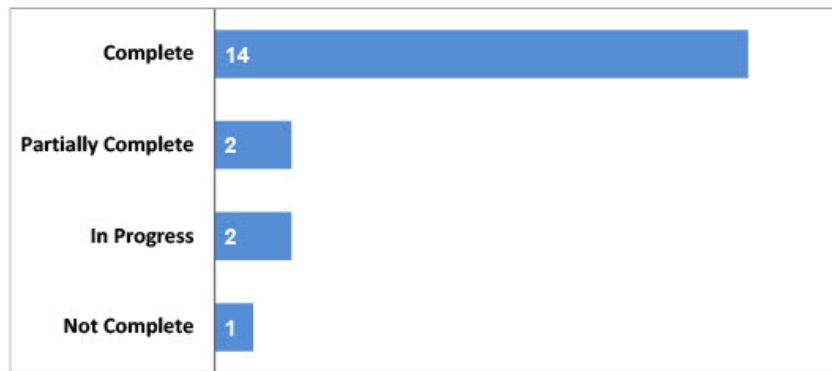
analyst to assist with budget preparation. Staffing in the treasurer/collector's office is comprised of the treasurer/collector, a full-time assistant treasurer/collector, a full-time payroll clerk, and two part-time department assistants. The assessing office consists of a full-time principal assessor and assistant assessor.

As previously mentioned, there has been tension around budget preparation responsibilities, underscoring the lack of codified roles and processes in town bylaws. Language in town bylaws and the 2002 special act identify broad authorities such as the finance director's duty to coordinate financial information and the finance committee's right to access budget materials. However, there is no codification of a detailed budget process, assignment of specific tasks and responsibilities, or milestones denoting phases of the budget process within the fiscal calendar. This absence of specificity continues to fuel conflict around budgetary control and responsibility between different town entities.

Despite the ambiguity of the bylaws, the town administrator took the initiative to start implementing a formal budget process this past budget cycle, culminating in a comprehensive budget document for FY2024. The document aligns with many DLS best practices regarding the budget process, including a budget message, breakdown of revenues and expenditures, town administrator recommendations, and departmental goals, objectives and narratives.

## RECOMMENDATION STATUS SUMMARY

We are pleased to report that of the nineteen recommendations in Lancaster's 1999 Financial Management Review the town has completed fourteen, partially completed two, and is in the process of completing two, representing action taken on 95% of the issues raised with one recommendation (5%) waiting to be addressed. With a capable town administrator supported by the select board and leading a newly energized team of financial officers, we are confident in the town's ability to address its challenges. Please see the charts below for a general summary of implementation status. The following pages include a detailed discussion of each recommendation, the town's status in its implementation, and recommendations for next steps or enhancements (if applicable). Following the discussion of prior recommendations, we offer several new recommendations intended to build on the original report.



## PRIOR RECOMMENDATIONS

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
1	Coordinating Financial Management	Partially Complete	<p>This recommendation addressed the need for more clearly defined lines of authority and responsibility with regard to the budget process.</p> <p>The new town administrator has taken a lead role in budget preparation and has been working to formalize the process with departments. She holds staff meetings weekly and discusses budgets one-on-one with department heads to refine their budget submission and align it with town needs. This is comprised of an initial submission where she provides feedback, resulting in a revised budget submission. The final budget document includes columns for initial departmental requests and the town administrator recommendation.</p> <p>Ultimately, a budget bylaw or a town charter definitively laying out budget roles, responsibilities, and authority will ensure accountability in the budget process and town operations.</p>	<p>Ultimately the town should adopt a budget process with the following components:</p> <ul style="list-style-type: none"> <li>Broad town-wide goals developed by the select board and administrator and translated to both general and departmental level spending targets.</li> <li>A financial forecast (see the Forecasting policy in the FMRB policy manual) developed by the town administrator and the accountant.</li> <li>Formal budget submissions: department heads should submit budget requests to the town administrator, who will review them against budget parameters and make changes.</li> <li>Joint meetings of the select board and finance committee to discuss the forecast, departmental budgets, resolve budget questions, and build consensus among stakeholders prior to town meeting.</li> <li>A parallel capital planning process that includes standardized submissions to the town administrator with specific review criteria to determine which projects become part of that year's capital budget.</li> <li>A process for monitoring year-to-date expenditures to ensure they are in line with appropriations and revenue collections</li> </ul>

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
2	Hold Joint Meetings with Select Board and Finance Committee	Complete	In October 2022 the select board and finance committee met jointly in the form of a "budget summit" to discuss the budget development process and build consensus around the community's fiscal condition, spending goals, and available revenue. This was followed up with a joint meeting in December on capital planning and another summit to finalize the operating budget in February 2023.	We recommend building off the progress established this budget cycle and making joint board meeting "summits" a permanent addition to the budget process. Future summits should be integrated with the various milestones of the budget process, including the completion of the initial operating budget based on departmental submissions, revenue projections, and potential changes in the budget due to revised revenue projections later in the fiscal year.
3	Establish Financial Reserves Policy	In Progress	The town does not have a formally adopted reserves policy, but the finance director and town administrator have begun discussions on drafting one. With regard to the Finance Committee Reserve Fund, the town is developing a request form as well as a standardized procedure that we recommend be integrated into the reserves policy.	We encourage the town to adopt a formal financial reserves policy as a part of a comprehensive financial policies manual. The reserve policy should identify the town's financial reserves (such as free cash, stabilization fund, other/specialized stabilization funds) and designate appropriate use cases for each reserve. It should also include a target balance for each fund, expressed as a percentage of the annual budget. Examples of a financial policies manual can be found on the DLS website.

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
4	Establish Capital Planning Committee, Create Annual Capital Budget and Revenue and Expenditure Forecast	In Progress	<p>The original recommendation attempted to address the need for a clear and defined capital planning process. To accomplish this, the town administrator has created a capital asset inventory to form the basis of capital planning for the town. She has also developed a capital outlay submission form for departments to complete when requesting capital items and has integrated it into the capital planning process alongside the operating budget process. In addition, departments also complete an inventory form to send back to the town administrator, who uses it to update the asset inventory.</p> <p>The town has not established a capital planning committee. However, with the town administrator taking the lead, a capital planning committee may not be necessary to administer the process. Instead, such a committee may benefit the town as an advisory body evaluating and ranking project submissions in a report.</p> <p>The finance director has been annually updating a five-year forecast using DLS' forecast template since 2015. She sends the forecast to the town administrator, select board, and finance committee. Since FY2017 the town has maintained a capital stabilization fund, which can serve as a dedicated source of capital project funding.</p>	<p>We recommend that the town administrator, along with the select board and finance committee, continue to refine the capital planning process.</p> <p>An effective capital budgeting process should include the following components:</p> <ul style="list-style-type: none"> <li>• Clear definition of capital project with dollar and useful life threshold.</li> <li>• Capital asset inventory.</li> <li>• Formal submission process for departmental projects with standardized submission documents that parallels the operating budget process.</li> <li>• Submission review process with standardized criteria and a scoring system.</li> <li>• Five-year capital plan with a basis in town's financial forecast.</li> <li>• Clear method for capital funding.</li> </ul> <p>Regarding the forecast, we recommend integrating it more fully into the annual budget process by making it the subject of one more budget submits, both for presenting the initial forecast and an updated version.</p> <p>Additionally, the town should include prospective uses of the Community Preservation Fund (as well as the Community Preservation Committee) in the annual capital process, educating department heads with regard to allowable uses and coordinating with town's community preservation committee.</p>
5	Streamline Posting of Financial Information	Complete	The treasurer/collector posts receipts to VADAR, the town's financial software, daily. Payments are batched together and posted at the end of the day. There is a terminal at the counter for payment and residents can also pay online via InvoiceCloud or a drop box at the front of the building (one for town receipts and the other for the sewer district). The town has a lockbox service with Eastern Bank, which they post to town accounts after confirming availability of funds, and a check scanner for deposits.	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
6	Resolve Data Incongruencies with Water Collection System	Complete	<p>The original recommendation addressed a problem where the water department and the treasurer/collector were using different versions of accounting and billing software, leading to the need for the treasurer/collector to carry a diskette to the water department to update payment information in person.</p> <p>The treasurer/collector is also a town collector and collects and maintains receivable controls for all town receipts, including water. This is done at the counter, through the drop box, or online using InvoiceCloud and is ultimately accounted for in VADAR. Since VADAR is entirely cloud-based, and since the treasurer/collector collects the receipts, the opportunity for the data incongruencies noted above does not exist.</p>	
7	Be Ready for Y2K Transition	Complete	The original report was completed in 1999, so this recommendation was intended to ensure that the town entered the new millennium without disruption to its operations. Following the report, town administration took the necessary steps to ensure that municipal computer systems converted to the new year without issue.	
8	Automate Sewer Collection System	Not Complete	The sewer district operates independently from the town, with a written agreement governing their relationship. Town officials have no say in how the district conducts business.	
9	Establish Regular Office Hours for Town Accountant	Complete	The finance director/town accountant established in the 2002 special act has been a full-time member of the financial management team since 2006. Department heads report good teamwork, and the finance director meets regularly (often daily) with other financial officers to discuss any issues and stay on top of collective tasks.	
10	Monthly Revenue Reports by Town Accountant	Complete	The finance director/town accountant reports that she has been producing monthly YTD revenue/expenditure reports for at least the past decade. Reports are sent to departments and to the town administrator and include a form that departments must sign acknowledging the stated balance and report any variances or potential overruns/shortfalls.	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
11	Reconciliation Procedures for Town Accountant and Treasurer/Collector	Complete	The finance director/town accountant and the treasurer/collector have a standing practice of meeting at least monthly to reconcile their books. The treasurer/collector keeps monthly control books for all receipts in Excel, which she ties to the VADAR control accounts, making an annotation that they are balanced. The accountant then runs a receivable report for the month and compares it to the treasurer/collector reports and the two research any variances, which are often resolved quickly due to the level of line-item details. With regard to cash reconciliation, the treasurer/collector keeps a cashbook in Excel. She exports cash accounts from VADAR into Excel and then compares them to her cashbook and combines them into one spreadsheet. They are in process of developing a written version of this procedure.	As part of a financial policies manual, adopt a reconciliations policy that designates specific frequencies for reconciling all applicable receipts and laying out the necessary procedures, parties, and documents.
12	Water Department Should Use Town Accountant	Complete	At the time of the FMR the water department had engaged the services of a third-party accounting firm for their bookkeeping. This resulted in instances where the consultant determined a surplus where there had in fact been a deficit. Since then, the water department no longer contracts with an outside accounting firm and relies on the finance director/town accountant.	
13	Ensure Regular Inspections of All Sales Properties	Complete	Presently, the assessing department hires out data collection, sales analysis, cost tables and abatement work to RRG. However, the principal assessor will soon take on the bulk of the data collection work, opting for third-party help during revaluation years. The principal assessor currently performs building and permit inspections, sometimes bringing her assistant.	
14	Create a Sales Survey for New Owners	Complete	The assessing department has developed a detailed sales survey that the principal assessor sends to each new owner. The survey includes questions on any special terms, the type of sale, type of property, HOA/condo fees, second home status, transfer of included personal property, various interior details including heating type and rooms, and accessory structures. Residents have the option to return the survey via mail or to scan and email their reply to the assessing department.	Consider making the sales survey available on the assessors' website, either via a downloadable PDF or interactive form. This may help increase response rate by reducing the effort needed for a resident to respond.
15	Board of Assessor Should Receive Computer Training	Complete	At the time of the FMR, the board of assessors had a greater role in the day-to-day functioning of the assessing department, leading to the recommendation that they be trained in the CAMA system. However, now the department is run by a professional principal assessor and an assistant, who are both trained and able to use the present CAMA system by Tyler, IASWorld.	

#	Recommendation	Status	Comments	Suggested Enhancements/Next Steps
16	Create a Part-time Assistant Assessor Position	Complete	The current structure of the assessing department (full-time principal assessor and assistant) fulfills this recommendation.	
17	Encourage Taxpayer Use of Lockbox Service and Expand to Water/Sewer	Complete	There is a secure drop box slot available in the front of town hall for all town receipts, including water. Next to it, there is a separate slot for sewer bills. Information on how to pay (online, by mail, and via the lockbox) is also included on the treasurer/collector's website.	
18	Turn Over All Cash and Payments to Treasurer Upon Receipt	Complete	According to Lancaster's receipts policy (approved by the select board in 2019), receipts of less than \$500 must be turned over to the treasurer/collector within two business days, and receipts over \$500 must be turned over daily. The receipts policy has thirteen detailed steps on how departments must handle receipts, including a turnover process that involves separate, color-coded copies of the turnover sheet for the accountant, treasurer/collector, and department.	
19	Reconcile Monthly With Accountant and Water/Sewer Staff	Partially Complete	The treasurer collects water receipts, so this is part of the monthly reconciliation with the accountant. However, the town has no access to sewer district books and will likely need a revision of the agreement between the town and the district for regular reconciliations to take place.	



## NEW RECOMMENDATIONS

### Consider Key Structural Changes Through the Government Study Committee

Lancaster's town meeting authorized a government study committee in May 2022, citing the changing scope over government operations and the increased complexity of challenges facing local officials. The committee's stated mission is to perform a comprehensive review of Lancaster's form of government, structure, and operational methods and make recommendations for the town to better meet modern challenges. We recommend that the committee evaluate the following changes:

#### *Comprehensive Bylaw Review/Town Charter*

Either through the committee as a whole or a subcommittee, review the town's bylaws for recommendations to keep, amend, or delete (such as bylaws that are outdated, no longer applicable, or contradictory), or propose new bylaws for adoption. One point of focus should be ensuring that the bylaws outline responsibilities regarding budget preparation and clearly define the roles of the select board, town administrator, finance director, and finance committee.

In its review, the committee may recommend codifying the budget process through a town charter rather than town bylaws. An effective charter will document the town's structure, list all appointed and elected positions, boards, committees, and clearly define duties, responsibilities, and lines of accountability, while granting town officers the authority they need to fulfill their stated roles.

#### *Increase Select Board Membership to Five*

We recommend considering an increase of select board membership from three to five members. Two more members may allow discussion and deliberations to continue past where a three-member board could find itself deadlocked. Additionally, this would aid in the formation of subcommittees and liaising with other boards and committees, expanding communication with a reduced risk to open meeting law violations.

#### *Eliminate the Board of Public Works*

Having the DPW report to a separate, elected board siloes the department from town administration and decentralizes lines of communication and management. Integrating the department into town operations under the direction of the town administrator will foster stronger collaboration between

department officials and the select board and town administration. Residents will also benefit from streamlined communication and processes between DPW and other town departments.

#### *Convert To an Appointed Finance Committee*

In many towns, the finance committee is appointed by the town moderator, or by another town body such as a select board. Selecting committee members by appointment can ensure enough members to consistently maintain a quorum and avoid long periods of vacancy between elections, especially in cases where local civic engagement is lower than ideal. Having members subject to appointment rather than popular vote can also support stronger financial expertise on the committee.

#### **Revisit the Agreement with the Lancaster Sewer District**

We recommend the select board approach the Lancaster Sewer District to consider revising the agreement between the town and district. At present, there is little to no cooperation other than the placing of a drop box for sewer bills in town hall. The finance director reports that the district's books are not open to her and the opportunity for the town to assist in accounting, reconciliation, or provide material support through collaboration is extremely limited. Discussions of a new agreement should center on an efficient billing and payment system that is easily understood and navigated by the ratepayer.

#### **Plan for Succession in Finance Departments**

We recommend that Lancaster plan for the eventual succession of its financial department heads. Under the direction of the town administrator, current department heads should review how personnel complete core tasks and how well these align with job descriptions. With this information, departments can take the following key steps:

- Develop procedure manuals with step-by-step instructions, prioritizing the most critical tasks. The town should reach out to vendors for training and support materials if use of proprietary software (such as VADAR) is key to fulfilling an employee's job duties.
- Confer with peer communities regarding departmental operating structure and their experience hiring and retaining qualified candidates.
- Research the viability of regional agreements or outsourcing for certain services, as appropriate.

## **ACKNOWLEDGEMENTS**

In preparing this Review, DLS spoke with the following individuals:

<b><u>Name</u></b>	<b><u>Position</u></b>
Stephen J. Kerrigan	Select Board Chair
Richard S. Trussell	Finance Committee Chair
Kate Hodges	Town Administrator
Cheryl Gariepy	Finance Director/Town Accountant
Mary Frost	Treasurer/Collector
Bobbi-Jo Williams	Principal Assessor

## **Ad Hoc Government Study Committee**

Initial Submission of Recommendations 1 & 2 from Report to Select Board and Town Administrator

March 8, 2024

<b>Recommendation 1: Development of a Standing Government Study Committee</b>	<b>2</b>
Introduction	2
Summary Recommendation	2
Rationale	2
Benefits of a Standing Government Study Committee	4
Proposed Membership, Organization, and Responsibilities	4
Draft Warrant Article: Adapted from the Ipswich Warrant Article	4
Considerations	6
Potential Topics for Proposed Standing Committee to Study	6
Precedence	8
<b>Recommendation 2: Expanding Select Board from 3 to at Minimum 5 Members</b>	<b>9</b>
Introduction: the Lancaster Select Board	9
Summary Recommendation	9
Rationale	9
Source 1: Department of Local Services Report, September 2023.	9
Source 2: Benchmarking	11
Orienting Lancaster in the Massachusetts Municipal Landscape	11
Benchmarking	11
Resident Survey Response	12
Draft Warrant Article	14

## **Recommendation 1: Development of a Standing Government Study Committee**

### **Introduction**

Lancaster, like all towns, is constantly evolving. The data gathered by the Ad Hoc Government Study Committee in the Fall of 2023 represents a snapshot in time. Through our work as a committee for the past year and a half, we have a renewed understanding of how the evolution of Lancaster will continuously demand a critical review of our town government so that it meets the needs of Lancaster.

### **Summary Recommendation**

This committee recommends, with the support of the Town Administrator, the development of a Standing Government Study Committee. **The committee believes that a Standing Government Study committee is a critical component to fostering a culture of continual improvement in Lancaster's municipal government.**<sup>1</sup>

### **Rationale**

In addition to our observations and conversations about the benefits of a Standing Committee, the Ad Hoc committee also draws evidence from a recent Department of Local Services Report.

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town<sup>2</sup>. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023.

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<sup>1</sup> Recommendation approved, as written, at the Government Study Committee meeting on 1/2/2024. 6-0-0 by a roll call vote.

<sup>2</sup> See Appendix for complete report.

The report explains its process as such:

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster’s implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services’ Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately, the audio-visual recording of the October 2, 2023, Select Board meeting was not on the Town website at the time this report was submitted (March 8, 2024).

- Division of Local Services – Financial Management Review & Update Report (Sept. ’23)  
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

This report outlined valuable insights and recommendations for the further refinement of the scope of the Ad Hoc Government Study Committee. While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. It is also regrettable that the report was not on the agenda of the Select Board, as requested by Mr. Kerrigan, in the months following the initial presentation.

### **Recommendations from DLS Report**

The report makes two recommendations that are, in particular, relevant to the Ad Hoc Government Study’s work. We will present one here, and one in Section 2 of this report.

#### *Consider Key Structural Changes Through the Government Study Committee*

“Lancaster’s town meeting authorized a government study committee in May 2022, citing the changing scope over government operations and the increased complexity of challenges facing local officials. The committee’s stated mission is to perform a comprehensive review of Lancaster’s form of government, structure, and operational

methods and make recommendations for the town to better meet modern challenges. We recommend that the committee evaluate the following changes;

*Comprehensive Bylaw Review/Town Charter*

“Either through the committee as a whole or a subcommittee, review the town’s bylaws for recommendations to keep, amend, or delete (such as bylaws that are outdated, no longer applicable, or contradictory), or propose new bylaws for adoption. One point of focus should be ensuring that the bylaws outline responsibilities regarding budget preparation and clearly define the roles of the select board, town administrator, finance director, and finance committee. In its review, the committee may recommend codifying the budget process through a town charter rather than town bylaws. An effective charter will document the town’s structure, list all appointed and elected positions, boards, and committees, and clearly define duties, responsibilities, and lines of accountability, while granting town officers the authority they need to fulfill their stated roles.”

**Benefits of a Standing Government Study Committee**

A standing Government Study Committee would allow Lancaster to *continuously* identify areas of opportunity for improving the functions of town government, rather than periodically reviewing the whole of the town government. It would provide a forum for issues of town governance to be thoroughly examined. This ongoing, thorough examination of discrete topics would allow the level of detail and depth of analysis of something as complex and consequential as a town government deserves.

**Proposed Membership, Organization, and Responsibilities**

The Ad Hoc Government Study Committee has drafted a Warrant Article, outlining the mandate of the proposed Standing Government Study Committee.

**Draft Warrant Article: Adapted from the Ipswich Warrant Article<sup>3</sup>**

**ARTICLE \_\_\_\_**  
**Government Study Committee**  
**Select Board**

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster's General Bylaw by inserting new sections in Article XI, as follows:

**Article XI     Town Government Study Committee**

**§17-47 Membership and Organization**

- A. The Town Government Study Committee will consist of five (5) members. Two (2) members will be appointed by the Select Board. One (1) member will be appointed by the Finance Committee. One (1) member will be appointed by the Board of Public Works. One (1) member will be appointed by the Town Moderator.
- B. The members will serve three-year terms that begin on the first day and end on the last day of the Town of Lancaster fiscal years, except that the end dates of the terms will be staggered by shortening some of the initial terms after the establishment of this committee. The initial terms for all five members will begin on the first day of the fiscal year following initial approval of this Committee at Town Meeting. The initial term for the two members to be appointed by the Select Board will end three full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Finance Committee will end two full fiscal years later on the last day of that fiscal year. The initial term for the member to be appointed by the Town Moderator will end on last day of that first fiscal year.
- C. Vacancies among the members that will be appointed by the Select Board, Finance Committee or Board of Public Works will be filled by those boards by selecting the member during a meeting and submitting the new member in writing to the Town Clerk. The Town Moderator will fill a vacancy of the member they select by submitting a new member in writing to the Town Clerk.
- D. The Government Study Committee will reorganize at the first meeting following the appointment of any new member to the committee or resignation of any Committee officer. The Committee's officers will be Chair and Clerk. The Chair is responsible for posting the Committee's meeting agendas and leading the Committee's meetings. The Clerk is responsible for ensuring that written minutes of the committee are prepared and submitted to the Committee for approval. At any meeting where the Chair is absent, or if no current member of the Committee is the Chair, the Clerk will assume the additional responsibilities of Chair.

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<sup>3</sup> Accessed via Ipswich Town Site, Annual Meeting Warrants, 2022. Amendment to Article 18.



#### §17-48 Responsibilities.

- A. Reports: before March 1<sup>st</sup> of each year the Committee will approve and submit a report with their annual recommendations to the Select Board. The Committee may review the Town Bylaws, opportunities to improve town government, or topics referred to it by another town body.
- B. Best Practices Guide: the Committee will research, develop, and maintain a town “Best Practices” guide advising town’s public bodies on how best to operate, hold meetings and communicate with the town. The Committee should distribute the guide to town bodies in May each year.
- C. Contribution to the Town’s Annual Report: the Committee will submit a report to the town’s “Annual Report” each year detailing the Committee’s activities and the progress of the Town’s public bodies in adopting the Committee’s “Best Practices.” or act in any manner relating thereto.

## END OF DRAFT ARTICLE ##

#### **Considerations**

Considerations pertaining to structure and eligibility identified by the Ad-Hoc Government Study Committee, and submitted for consideration, include but are not limited to;

- Determination of whether someone can serve on another board during their term on the GSC
- If town employees will be eligible to serve on the committee, if residents.

#### **Potential Topics for Proposed Standing Committee to Study**

The mandate and scope of the initial Ad-Hoc Government Study Committee, as presented to the Committee by the Town Administrator in May of 2022, outlined the roles and responsibilities of the committee. The Ad-Hoc Government Study Committee has reviewed this list and the data collected in the Fall of 2023 and proposes the following be considered for defining the mandate of the Standing Committee’s work. (Please see Appendix for the complete list as presented by the Town Administrator.)

The Ad-Hoc Government Study Committee has compiled a list of topics about which we observed interesting data, but were unable to study during our term of service. They were identified by parsing the quantitative data collected via the survey and the review of the open-ended question responses. Please see Appendix for complete transcription and analysis of the open-ended questions.

The topics identified by the Ad-Hoc Government Study Committee as meriting more study are;

- **Annual Town Meeting Organization**
  - scheduling, mechanics of voting, and accessibility
- **Town-to-Resident Communications**
  - quality, consistency, frequency
- **In-Depth Look at Bylaws, Determination of Solutions**
  - find inefficiencies, determine if they can/should be rectified by amending bylaws or if a Charter is required
  - See the appendix for our methodology for reviewing the bylaws and determining the solution
- **Coordination Across and Between Boards and Committees**
  - alignment, cooperation, consultations
  - reviewing board activity to support boards in being filled and meeting regularly

The Ad-Hoc Government Study Committee recommends that the mandate take into consideration;

- Determination of topics to be studied
- How the topics are triaged
- A well-defined process for evaluating recommendations and providing actionable feedback
- A well-defined process for how to ratify approved recommendations

## **Precedence**

A standing government study committee has precedence in Ipswich, Massachusetts, where a standing GSC was voted into being in 1962. In 2022, the existence of the committee was formalized in the Ipswich Town Bylaws.<sup>4</sup>

Town of Ipswich, MA

§ 35-42

§ 35-44

### **ARTICLE X**

#### **Town Government Study Committee**

**[Adopted 5-10-2022 ATM by Art. 18 , approved by the Attorney General 8-11-2022 ]**

#### **§ 35-42. Establishment and membership.**

The Town Government Study Committee was permanently established by the December 10, 1962, Town Meeting unanimous approval of Warrant Article 17. The Committee shall henceforth consist of five members with staggered three-year terms. The Select Board, Finance Committee, and School Committee shall each appoint one committee member or designee. Town Meeting shall appoint two at-large Committee members. The Committee shall post sixty-day public notice of Town Meeting at-large appointment vacancies and submit the Town Meeting warrant article for an appointment to the Committee. Should no one be appointed at Town Meeting, the first vacancy will be appointed by the Town Moderator and any second vacancy will be appointed by the Town Manager.

#### **§ 35-43. Responsibilities.**

The Select Board and Town Meeting will refer topics to the Committee for review and recommendation. The Committee makes annual reports and recommendations regarding these referred topics to the Select Board and Town Meeting on matters pertaining to Town Charter and Town Bylaws. The Committee will perform periodic broad review of Town government structure and may recommend Charter or bylaw changes or the filing of special acts with the State Legislature be considered, after conducting a public hearing thereon during a Select Board meeting.

#### **§ 35-44. Quorum.**

A quorum of the Town Government Study Committee shall consist of no fewer than three members.

**END OF SECTION**

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<sup>4</sup> Ipswich Town Bylaws. Accessed via [ecode260.org](http://ecode260.org)

## **Recommendation 2: Expanding Select Board from 3 to at Minimum 5 Members**

### **Introduction: the Lancaster Select Board**

“The Town Bylaws and General Laws of Massachusetts grant the Select Board broad powers to govern the Town. Currently, the Lancaster Select Board has three members who are elected to serve three-year terms, as defined by Bylaw.

The Select Board [appoints] more than 20 boards and committees (*permanent and ad hoc*). The Select Board acts as the primary policy-making body for a wide variety of issues, which affect the Town's development and provision of services. They recommend the budget to the Annual Town Meeting, approve the reorganization of Town departments; provide oversight for matters in litigation; and act as the licensing authority for a wide variety of licenses and permits. The Select Board also [enacts] Rules and Regulations for such matters as traffic control, underground wiring and street lighting.”<sup>5</sup>

### **Summary Recommendation**

The Ad-Hoc Government Study Committee recommends that Lancaster put a proposal before Town Meeting in May 2024 that Lancaster begin the process to adopt a five-person select board.<sup>6</sup> We have included a draft warrant article in this report.

### **Rationale**

There are two main sources of data, including qualitative and quantitative, that support the recommendation that residents in Lancaster have the opportunity to vote on whether the town should begin the process of expanding the Select Board.

### **Source 1: Department of Local Services Report, September 2023.**

On September 18, 2023, the Financial Management Resource Bureau from the Department of Local Services, a state agency under the purview of the Massachusetts Department of Revenue submitted a report to the town. The report had been commissioned by the Select Board. It was presented at the Select Board Meeting on October 2, 2023. Please see the Appendix for the report in its entirety.

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<sup>5</sup> Town Website. <https://www.ci.lancaster.ma.us/administration-select-board> Accessed 1.1.24.

<sup>6</sup> Recommendation approved, as written, at the Government Study Committee meeting on 1/2/2024. 6-0-0 by a roll call vote.

The report explains its mandate and process as such<sup>7</sup>:

“At the request of the select board, the Division of Local Services (DLS) Financial Management Resource Bureau (FMRB) assessed Lancaster’s implementation of recommendations from our 1999 Financial Management Review and provided new recommendations based on current observations. As part of this update, we conducted interviews with the chairs of the select board and finance committee, town administrator, finance director/accountant, treasurer/collector, and assessor. We reviewed town financial data and other financial records. Throughout this project, we also consulted with the Division of Local Services’ Bureau of Accounts (BOA) and Bureau of Local Assessment (BLA).”

The minutes from that meeting describe the presentation of the report to the Select Board (see below). Unfortunately the audio-visual recording of the October 2, 2023, Select Board meeting is not available on the Town website as of this report’s submission.

- Division of Local Services – Financial Management Review & Update Report (Sept. '23)  
This review was conducted for the first time since 1999 and seems positive, many of the recommendations have already been put in place. Several areas need to be discussed, such as how Water and Sewer Enterprises integrate into the Town. (Report available for review at <https://www.ci.lancaster.ma.us/administration-select-board> > Meeting Materials). Mr. Kerrigan would like to have this as an agenda item at a future meeting.

8

**Of relevance to the Ad Hoc Committee’s recommendation to prepare a warrant article authorizing the town to begin the process of expanding the Select Board to 5 members is the following:**

“We [DLS Report] recommend considering an increase of select board membership from three to five members. Two more members may allow discussion and deliberations to continue past where a three-member board could find itself deadlocked. Additionally, this would aid in the formation of subcommittees and liaising with other boards and committees, expanding communication with a reduced risk to open meeting law violations.”

While it is incumbent on town residents to avail themselves of the resources posted on the town website, the Ad Hoc Government Study Committee regrets that the report was never explicitly shared with the Committee. This additional data should be considered when assessing this recommendation.

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<sup>7</sup> Please excuse repetition: this report was drafted in such a way that each section can be read individually.

<sup>8</sup> Minutes from Select Board Meeting on October 2, 2023. Accessed via Town Website.

## ***Source 2: Benchmarking***

### **Orienting Lancaster in the Massachusetts Municipal Landscape**

There are 351 towns/cities in Massachusetts. Of those, 292 communities utilize a “Select Board – Town Meeting” form of government.

- One has 7 Select Board members (Wakefield)
- 148 have five Select Board members
- 143 have three Select Board members

### **Benchmarking**

The GSC conducted a benchmarking exercise as part of our research. We looked at eighteen (18) towns that are geographically, economically and demographically similar (though not identical) to Lancaster. We looked specifically at the size of the Select Board in each town. Nine (9) of them had five-person select boards, and nine (9) had three-person select boards. The average population of the benchmarked towns with a three (3) person Select Board was 6,380 (rounded to the nearest whole number). The average population for benchmarked towns with a five (5) person Select Board was 7,992 (rounded to the nearest whole number).

Lancaster has a population of approximately 8,400 people, which includes the inmate population at the Souza-Baranowski. The incarcerated individuals at Souza-Baranowski, though, do not vote in Lancaster municipal elections or participate in Town Meeting, and therefore should not be included in the population total when discussing the Select Board. There are, as of September 18, 2023, 1,074 inmates at Souza-Baranowski.<sup>9</sup> Therefore, the relevant population of Lancaster for the purposes of discussing a select board is 8,394-1,074, or 7,320.

With a population of approximately 7,320 people being represented by the Select Board in Lancaster, the town is ~600 residents shy of the average population for a town with a five-person board, and ~800 higher than the average population of the towns that have a three-person board.

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<sup>9</sup> Weekly Inmate Report. Full text in appendix.

<b>Town</b>	<b>SB Size</b>	<b>Population</b>
Princeton	3	3,499
Berlin	3	3,674
Bolton	3	5,378
Ashburnham	3	6,341
Shirley	3	7,279
Sterling	3	8,190
Westminster	3	8,275
Ayer	3	8,400
Pepperell	3	11,577
	<i>Average population</i>	6,957

<b>Town</b>	<b>SB Size</b>	<b>Population</b>
Boxborough	5	5,425
Harvard	5	5,844
Rowley	5	6,131
Stow	5	7,133
West Boylston	5	7,855
Georgetown	5	8,416
Rutland	5	9,169
Littleton	5	10,141
Lunenburg	5	11,816
	<i>Average population</i>	7,992

### **Resident Survey Response**

The GSC administered a survey of residents in the Fall of 2023. Question 10 addressed the size of the Select Board. The exact text of the question was:

“The Select Board (SB) is currently made up of three (3) members. Communities with a SB/Town Meeting Form of Government have the ability to elect a three (3) member, five (5) member or seven (7) member Board. What do you believe to be the most advantageous number of SB members for Lancaster?”

The available responses were “Three (3) Members”, “Five (5) Members”, “Seven (7) Members”, “I do not have enough information to make a recommendation” and “I do not have a preference on the number of members”.

### *Response*

Two hundred and forty-two (242) people responded to this question, from a total of two hundred and twenty-nine (259) surveys received.

### Key insights:

- 18.6% of people indicated that the most advantageous number of Select Board members for Lancaster is 3
- 51.4% of people indicated that the most advantageous number of Select Board members for Lancaster is 5
- 7.85% of people indicated that the most advantageous number of Select Board members for Lancaster is 7
- 18.18% of people indicated they did not have enough information to make a recommendation on the most advantageous number of Select Board members for Lancaster
- 6.61% of people indicated they had no preference on the most advantageous number of Select Board members in Lancaster

**In summary, 59.25% of people indicated that the most advantageous number of Select Board members for Lancaster is at least 5.** Based on this data, the committee sees considerable support for expanding the Select Board. In the spirit of Lancaster’s Form of Government - Open Town Meeting - the committee recommends that the Town be presented with the option to begin the process of expanding the select board (by authorizing the Select Board to request Special Legislation) at the Annual Town Meeting in May 2024.

Please see a draft warrant article for consideration on the following page.



## Draft Warrant Article

### ARTICLE \_\_\_\_ Government Study Committee Select Board Expansion

To see if the Town will vote to authorize the Select Board to file a petition with the General Court to enact legislation which would provide that notwithstanding any other general law or special law to the contrary, that at the next annual town election after passage of such legislation, but not earlier than the 2026 Annual Town Election, the Lancaster Select Board shall consist of five (5) members, and which would provide, without limitation, a process for an election to fill the two (2) new positions, for no change to the term of office of then currently serving members, and for staggered terms of the five (5) members of the Select Board; provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition; and to act on anything relating thereto. The requested legislation is as follows:

#### **AN ACT increasing the membership of the Select Board of the Town of Lancaster**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

##### **SECTION 1.**

Notwithstanding any provision of any general or special law to the contrary, the number of members of the Select Board of the Town of Lancaster shall be increased from three (3) to five (5). The Select Board shall annually elect a chairperson from among its members.

##### **SECTION 2.**

At the first Annual Town Election following acceptance of this act by the voters of the Town, but in no event prior to the 2026 Annual Town Election, three (3) Select Board members shall be elected. The candidate receiving the highest number of votes in that election shall serve a three (3) year term, the candidate receiving the second highest number of votes shall serve a two (2) year term, and the candidate receiving the third highest number of votes shall serve a one (1) year term. Thereafter, as the terms of Select Board members expire, successors shall be elected for terms of three (3) years.

The terms of those members currently serving as Select Board members at the time of adoption of this act shall be unchanged by the adoption of this act.

##### **SECTION 3.**

This act shall be submitted for acceptance to the voters of the Town of Lancaster at the next Annual or Special Town Election following its passage, in the form of the following question which shall be placed on the official ballot:

“Shall an act passed by the General Court entitled, ‘An Act increasing the membership of the Select Board of the Town of Lancaster’ be accepted?” If a majority of the votes cast in answer to the question is in the affirmative, sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

##### **SECTION 4.**

Section 3 of this act shall take effect upon its passage.

**END OF SECTION**

## ***Draft Warrant Article***

The following draft article language is adapted from Avon, MA, which passed a similar article in 2011, and from Sharon, MA, which has a similar bylaw:

### **ARTICLE \_\_\_\_ Government Study Committee: Elected Boards**

To see if the Town will vote to amend Chapter 17 of the Town of Lancaster's General Bylaw by inserting new sections in Article XIV as follows:

***Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:***

No person shall be appointed to or serve on a board, commission or committee of the Town or any other board, commission or committee for which the appointment thereto is by a Town board or officer, unless such person is a resident of the Town. Any person serving as a member of a board, commission or committee who, during the term of office for which appointed, ceases to be a resident of the Town shall be deemed to have vacated such membership.

Non-residency may be indicated by removal from the voter list, by a census update, or by other means.

The provisions of this bylaw shall not apply to ex-officio members [including any nonresident Town officer(s) or employee(s) representing the Town in such capacity] and non-voting members. Additionally, nonresident members of a board, commission or committee holding such membership at the time this bylaw becomes effective shall also be exempt until the expiration of their terms.

## END OF DRAFT ARTICLE ##

**END OF SECTION**

## **Closing Remarks**

It is a pleasure to submit this report to the Select Board. The Ad Hoc Government Study has worked very hard for the past few months to parse data, identify topics to study, deliberate on recommendations, and craft this report. The Committee worked exceptionally well together, with a collective goal: to make substantive recommendations, backed by data, that would reflect the feedback we received via the survey and informal chats with residents. Moreover, we were diligent in producing recommendations that we believe fulfill our charge as mandated by residents at the Annual Town Meeting in May of 2022. “To provide a written report to Town Meeting...which recommends any amendments to bylaws and governing practices so as to improve the Town’s form of government and governance.”

<p style="text-align: center;"><b>ARTICLE 11</b> <b>Government Study Committee</b> <b>Select Board</b></p>
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To see if the Town will vote to direct the Select Board to appoint a Government Study Committee pursuant to Section 304-21 of the Town of Lancaster’s General Bylaw and consisting of seven members to (a) study the Town’s form of government and governance, (b) examine models of government in comparable communities, (c) identify strengths and opportunities for growth and improvement in the Town’s current government, (d) facilitate public engage on the committee’s work, and (e) provide a written status report to the Select Board no later than March 15, 2023, and a final written report to Town Meeting no later than May 1, 2023, which recommends any amendments to the bylaws and governing practices so as to improve the Town’s form of government and governance, or to act in any manner related thereto.

Select Board recommendation:

*Finance Committee recommendation:*

**Summary:** *The article directs the Select Board to appoint a committee to study Lancaster’s form of government as outlined above.*



**Town of Lancaster**  
**DEPARTMENT OF PUBLIC WORKS**

392 Mill Street Extension  
Lancaster, Massachusetts 01523  
Tel. (978) 365-2412  
Fax (978) 365-4419

Amanda L. Shaw, *Administrative Assistant*

*Commissioners*  
John J. King Jr.  
Douglas DeCesare  
Walter F. Sendrowski

**Lancaster Water Department - Notice to our Consumers**

Our water system violated monitoring and reporting requirements of the drinking water regulations. Even though this was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation. We are required to monitor your drinking water for specific man-made and naturally occurring contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards.

During the 8/1/2022 and 8/31/2022 monitoring period we did not test for our annual Total Trihalomethanes and Haloacetic Acids samples and therefore cannot be sure of the quality of our drinking water during that time. These contaminants were collected AFTER the required monitoring period on 10/11/2022 and were shown to meet the drinking water standards. We have tested on time since this event and we will continue to collect samples for all contaminants according to our most recent sampling schedule.

If you need any more information or any questions regarding this notice, please contact Shawn Macleod at 978-365-2412 X1034.

SPECIAL LICENSE APPLICATION		*most towns require alcohol purchases to be made at an approved wholesaler only and follow ABCC regulations			
		*many need approval by police, fire dept., Board of Health, Building Inspector and property owner			
		*Liquor liability insurance proof required, restrictions apply			
	Community Name	Duration	Amnt for All Alcohol License	Amnt for Wine and Malt	Notes
1	South Hadley	Flat Rate		\$30.00	
2	Wellfleet	per day	\$100.00	\$50.00	
3	Leicester, MA	per day		\$50.00	no application available
4	Lexington	one day	\$25 - non-profit groups only	\$25.00	need current certificate of inspection of location
5	Lakeville, MA			\$50.00	use a standard Hobbs and Warren general permit application
6	Needham	one day	\$25 - non-profit groups only	\$25.00	
7	Pittsfield, MA	one day	\$25 - non-profit groups only	\$15.00	501 c, Hold Harmless and TIPS cert. required
8	Topsfield, MA	one day		\$50 - non-profit org. only	included a rules and regulation sheet
9	Framingham, MA	one day	\$50 - non-profit only	\$50.00	Also a \$15.00 application fee
10	Hopkinton	one day	\$15.00	\$15.00	Application must be filed 30 days before event
11	Westford	per day	\$25 - non-profit groups only	\$25.00	submit application 60 days prior to event
12	Hadley	one day	\$35 - non-profit groups only	\$20 - non-profit groups only	\$300.00 fee for profit entities
13	Hudson	one day	\$60.00	\$60.00	
14	Ashby	one day		\$15.00	no application sent
15	Hatfield	three day	\$75.00	\$50.00	Also a \$75.00 application fee, 1 day to sell, 2 days to transport
16	Chatham	one day	no fee - for non-profit org. only	no fee	
17	Town of Adams	one day	\$25 - non-profit groups only	\$25.00	
18	Saugus	per day	\$50.00	\$50.00	CORI check done of proposed manager of event
19	Stoughton	per day	\$50.00	\$50.00	
20	Northfield	one day	\$15.00	\$15.00	
21	Millbury	one day	\$10.00	\$10.00	
22	Provincetown	one day	\$50 (for profit)/ \$25(non-profit)	\$50 (for profit)/ \$25(non-profit)	\$25 fee for the legal ad for the public hearing
23	Amesbury	one day	\$25 - non-profit groups only	\$25.00	
24	Dennis	one day	\$50 (for profit)/ \$30(non-profit)	\$50 (for profit)/ \$30(non-profit)	
25	Millville	one day	\$35.00	\$25.00	
26	Amherst, MA	per day	\$100 - non-profit org. only	\$100.00	
27	Manchester b.t. Sea	one day/temp	\$25 - non-profit groups only	\$25.00	
28	West Newbury	one day		\$50.00	no application sent
29	North Andover		\$100.00	\$75.00	no application sent
30	Southwick, MA			\$6.25	currently redoing applications
31	Halifax	one day			options on type of liquor license desired
32	Harvard		\$50.00	\$50.00	"catch all" application form
33	Swampscott		\$50.00	\$50.00	
34	Canton	one day	\$50.00	\$50.00	Also an additional \$40 fee for Building Inspection
35	Boxford	one day	\$50 - non-profit only	\$50.00	
36	Arlington	per day	\$50 - non-profit only	\$50.00	\$25.00 per each additional consecutive days
37	Spencer	one day	\$25.00	\$25.00	
38	Danvers		\$50 - non-profit only	\$30.00	
39	Granby	one day	\$100 - non-profit org. only	\$100.00	provides a guideline checklist
40	Hamilton		\$100.00	\$100.00	
41	Wilbraham	one day	\$45.00	\$45.00	
42	City of Quincy				\$100 application fee for a special use permit
43	Bridgewater	one day	\$75.00	\$75.00	
44	Charlton	one day	\$0 - non-profit only	\$50 (for profit)/ \$0(non-profit)	fee just increased from \$25
45	Buckland	per day		\$68.00	
46	Oxford	per day	\$25.00	\$25.00	no application sent
47	Foxborough	per day	\$100 - non-profit org. only		
48	Auburn	one day		\$50.00	
49	Rehoboth			\$25.00	no application sent
50	Plymouth	one day	\$30 - non-profit only	\$30.00	
51	Rockport	one day	\$100 - non-profit org. only		food service required, less than 500 people
52	Millis			\$100(for profit)/ \$50(non-profit)	no application sent
53	Grafton			\$25.00	no application sent
54	Lancaster	one day	\$100 - non-profit only	\$100.00	Application and Police Dept. approval

5 32-3440-8-03  
January 22, 2024

Kate Hodges, Town Administrator  
Town of Lancaster  
695 Main Street, Suite 1  
Lancaster, MA 01523

Re: **P.J. Keating Company**  
**Special Permit to Remove Earth Products**  
**Summer 2023 – Quarterly Inspection**

To Whom It May Concern:

Pursuant to the November 7, 2022, Lancaster Select Board meeting, it was voted that routine monitoring with regards to the Special Permit to Remove Earth Products issued to P.J. Keating Co would be conducted by Comprehensive Environmental Inc. (CEI). However, in August 2023, the Town of Lancaster contacted Tighe & Bond to resume routine monitoring services at the P.J. Keating site as the designated monitoring agent. As a result, a Spring 2023 quarterly inspection was not conducted, and the two remaining yearly monitoring visits were to be scheduled in September and October before the Keating site closes for the winter season.

As stipulated in the Special Permit to Remove Earth Products issued to P.J. Keating Co. effective November 26, 2022, to November 26, 2024, the Summer 2023 quarterly site inspection was conducted on Thursday, September 7, 2023. Mehdi Begag of Tighe & Bond and Cody Delaney, of P.J. Keating Co were on-site to inspect the facility with respect to the operational requirements specified in the most recent EPR permit. The Summer 2023 inspection performed by Tighe & Bond was based on the most recent permit conditions. A report of field inspection observations is included in **Appendix A**.

### **Current Activities Summary**

The site has been in operation since Spring of 2023 upon resuming after winter maintenance was completed. No blasting was occurring during the time of inspection, but it was reported that blasting had occurred the day prior to the date of inspection on the 4<sup>th</sup> bench in the northern portion of the Site. Facility activities continued on the 4<sup>th</sup> bench on the date of this inspection. The primary focus area for excavation in 2023 will be continuing lowering the base elevation of the quarry from the northern towards the southern portion of the Site. Water trucks were observed during the Site inspection and two water trucks are actively watering the haul roads and base of excavation daily. Water for dust control has historically been used from the stormwater catchment area at the base of the quarry. PJ Keating has leased a third-party contractor sweeper truck that they staff, and reported that sweeping of the site is occurring daily Monday through Friday at the site, including the roadway crossing. No sweeper trucks were actively noted on Site during the inspection.

### **Inspection Observations**

The base of the excavation exists within the south/southeastern corner of the Site and is at approximately elevation 230 feet, 50 feet below the upper floor elevation at 280 feet. The base is actively being excavated deeper towards the next phase of 180 feet elevation.

Locking gates and signage were located at the entrance to the facility. A six-foot tall fence has been installed surrounding the property, and according to P.J. Keating, the Town Fire

and Police chiefs inspected the Site within the last year and found fencing to be satisfactory with no trespassing observed. The Town Police Chief informed PJ Keating that this observation was reported to a Lancaster Select Board member.

Dust control measures were observed to be in compliance with the document from Keating dated August 1, 2022 with the subject *Roadway Dust Suppression — Paved Roadways/Unpaved Roads/Haul Roads*, attached here as **Appendix B**. Two water trucks with volume capacities of 4,000 and 5,000 gallons are utilized by PJ Keating daily wetting the Site down for 12 hours per day. During operation hours, the paved roadways are swept consistently throughout the day with a sweeper staffed by PJ Keating personnel.

There is a sump at the low point of the quarry excavation that collects stormwater runoff from within the site. A pump exists to displace the collected stormwater from the sump and pump it up and out of the site, to be discharged to surface waters. Along the pump discharge line, there is also a branched connection within the quarry that P.J. Keating can use to fill their water trucks for onsite dust control using the stormwater runoff collected in the sump. The total pump discharge is measured through inline meters on the discharge line. Meters are read during site inspections to monitor the volume of stormwater pumped.

The stormwater pump was not active at the time of the inspection. Since the last Fall 2022 quarterly inspection completed by Tighe & Bond, two additional Greyline meters were installed in April 2023: one for the water truck filling station and another for the replacement of the secondary upper flow meter. The lower quarry Greyline Doppler infrared flow meter installed in April 2023 is still functioning and actively recording flow data. Consequently, all three meters on Site are now Greylines, which will provide consistency between readings. All three Greyline meters were inspected and read by Tighe & Bond during the inspection. The readings for the three greyline pump meters are provided below:

- Greyline secondary upper flow meter: 68,465,437 Gallons
- Greyline water truck filling station meter: 1,882,847 Gallons
- Greyline lower quarry meter: 69,758,032 Gallons

Given the 12-month gap between the Fall 2022 and Summer 2023 inspections, and the new installations of the meters, pumping comparisons will be made after the Fall 2023 inspection. All three meters will continue to be read at each inspection to compare flow volumes pumped.

### **New Permit Requirements**

New permit conditions were incorporated into the Special Permit to Remove Earth Products issued to P.J. Keating Co. effective November 26, 2022, to November 26, 2024. See **Appendix C** for the Special Permit language. The results of the additional monitoring requirements are summarized below.

### **Additional Bedrock Monitoring Wells**

Pursuant to the requirements of Condition 25(a), *"An additional shallow bedrock well and deep bedrock well shall be installed at the "old" MW4 location, or just south of that location, to monitor groundwater levels and flow directly eastward from the quarry. These wells shall be installed and shall be instrumented with hourly reporting pressure transducers by April 15, 2023."* These additional monitoring wells have not yet been installed at the Site as of the Summer 2023 inspection date. PJ Keating has reported that they have not yet



excavated deeper in the quarry to warrant the installation, citing Condition 31 of the Earth Removal Permit: *"The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well, including that additional required monitoring well near "old" MW4 (or midway between MW3 and MW4). Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations."*

In regard to the new permit requirement 25(a), a formal letter dated February 6<sup>th</sup>, 2023, was sent to the Select Board in which PJ Keating restated their commitment to fulfilling the requirements of Condition 25(a) at the time that the quarry excavation depth warrants the additional bedrock monitoring wells stated in Condition 31. Furthermore, PJ Keating stated they do not expect to excavate deeper within the quarry until at least 2025.

However, PJ Keating has stated to the Town that they have progressed towards installation of that well, and are currently reviewing bid estimates from well driller vendors. PJ Keating reported to Tighe & Bond that as of August 14, 2023, they have not yet received a reply from the Town regarding their February 6, 2023 letter. A copy of the letter sent to the Town is provided in **Appendix D**.

Pursuant to the requirements of Condition 25(b), the pressure transducers installed at the Site in April 2022 within the monitoring wells are required to be "checked monthly for the first year of operation to ensure they are working properly and on a quarterly basis thereafter." To fulfill this condition, PJ Keating has retained environmental consultant North American Reserve, LLC – a division of RESPEC (NAR), in order to fulfill Condition 25(b), and develop a yearlong hydrogeologic monitoring program in order to determine any potential impacts earth removal operations on the surrounding area water resources. Tighe & Bond is in receipt of the NAR Hydrogeologic monitoring report summarizing 2022 conditions, which does include results of monthly well monitoring.

### **Water Quality Monitoring**

Pursuant to the requirements of newly issued Condition 26, water quality monitoring shall be conducted for both the pumped stormwater discharge and from the bedrock monitoring wells, as specified in Table 1 in the Special Permit to Remove Earth Products issued November 26, 2022. PJ Keating has conducted the required sampling and forwarded the water quality sampling results to Tighe & Bond, which have been tabulated below and compared to the applicable standards specified in the Special Permit for compliance.

Below, Table 1 summarizes the required water quality monitoring for stormwater effluent on Site. Table 2 summarizes the required groundwater quality monitoring for bedrock monitoring wells on Site.

### **Stormwater Effluent Monitoring**

Per Condition 26 of the Permit, *"Monitor [Nitrate and Total Metals] quarterly for the first year, with future monitoring requirements based on year 1 results. If a sample cannot be obtained in a given quarter (i.e., due to lack of pumping based on precipitation), the quarterly monitoring schedule shall be extended until monitoring can be conducted in 4 separate quarters."*



**TABLE 1: Turbidity, Nitrate, and Total Metals Quarterly Monitoring for Spring and Summer 2023**

Sample ID	Special Permit Effluent Discharge Limits	Fresh Water Aquatic Life Criterion		Upstream 001		001 – Quarry Pond Discharge	001 – Quarry Outfall	
Date Sampled		Max. Conc. <sup>3</sup>	Cont. Conc. <sup>3</sup>	3/21/23	6/29/23	3/21/23	6/26/23	
Turbidity (NTU)	25 <sup>1</sup>	NS	NS	-	-	0.8	0.7	
Nitrate (mg/L)	5 <sup>2</sup>	NS	NS	0.62	1.35	-	-	
Total Metals (mg/L)	Arsenic	NS	0.34	0.15	0.04	0.0287	-	-
	Cadmium	NS	0.0018	Vacated	<0.005	<0.0001	-	-
	Chromium <sup>4</sup>	NS	0.016	0.011	<0.005	0.0004	-	-
	Copper	NS	NS	NS	<0.02	0.002	-	-
	Iron	NS	NS	1	<0.05	0.032	-	-
	Lead	NS	0.065	0.0025	<0.005	0.0004	-	-
	Nickel	NS	0.47	0.052	0.032	0.013	-	-
	Selenium	NS	NS	NS	0.02	<0.005	-	-
	Silver	NS	0.0032	NS	<0.005	<0.0001	-	-
	Zinc	NS	0.12	0.12	0.039	0.01	-	-

**Notes**

<sup>1</sup>Permit requirement: Turbidity monitoring is required as a condition preceding pumping from the quarry settling basin, with effluent discharge limit of 25 NTU.

<sup>2</sup> Permit requirement: An initial (year 1) benchmark monitoring round (quarterly sampling) for nitrate is required, with a benchmark of 5 mg/L.

<sup>3</sup>US EPA and Massachusetts Surface Water Criteria

<sup>4</sup>More conservative standards for Chromium (VI) used as comparison to sample results.

<# – Non-Detect above listed laboratory reporting limit; NS – No Standard

Permit requirement: An initial (year 1) screening sampling round (quarterly sampling) is required for total metals. Criteria for each parameter is based on the Fresh Water Aquatic Life Criteria found as listed in the Massachusetts Surface Water Quality Standards, and USEPA National Recommended Water Quality Criteria (NRWQC).

In summary, P.J. Keating complied with sampling and testing for the stormwater discharge required water quality parameters specified in the most recent Special Permit. Stormwater quality monitoring results were in general compliance with the specified benchmarks or threshold levels detailed in the Special Permit, with the exception of laboratory reporting limits (RLs) for cadmium (Cd) and lead (Pb) in the spring monitoring round which did not meet minimum concentration guidelines for NRWQC CMC (cadmium) and NRWQC CCC (lead). Turbidity, nitrate, and total metal concentrations will continue to be monitored quarterly through the end of 2023, with future monitoring requirements to be determined based on the completion of year 1 results.

**April 2023 Bedrock Wells Groundwater Monitoring**

Per Condition 26 of the Permit, "Monitoring is required for bedrock monitoring wells MW1 and MW4. One round of deep bedrock samples from these wells shall be used to determine if additional future monitoring is required". Monitoring Well 1 (MW-1) is located near the entrance of the quarry site off of Fort Pond Road, Lunenburg, and is the northernmost well on site. Monitoring Well 4 (MW-4) is located south of MW-1, along the eastern perimeter of the site, adjacent to the New England Power Company Easement. See **Appendix E** for a site plan depicting the well locations.



Please note that during the Spring 2023 Groundwater sampling event for monitoring well location MW-4, an obstruction was noted that would not allow PJ Keating staff to sample with a Grundfos pump deeper than 35-40 feet below grade. PJ Keating has informed Tighe & Bond that the obstruction is scheduled to be assessed and may be cleared prior to the installation of the additional deep monitoring wells on Site. Tighe & Bond recommends that PJ Keating collect an additional groundwater sample from the deep bedrock well location MW-4DB in 2023 once the obstruction is cleared.

**TABLE 2: 2023 Groundwater Monitoring Quality Results**

Sample ID Date Sampled	Special Permit Drinking Water Benchmark Limits	MW-1DB 4/28/2023	MW-4SB 4/28/2023
Nitrate <sup>1</sup> (mg/L)	10	<0.5	0.53
Iron <sup>2</sup> (mg/L)	0.3	<b>0.7</b>	<b>40</b>
Manganese <sup>3</sup> (mg/L)	0.3	0.067	<b>0.61</b>
Perchlorate <sup>4</sup> (ug/L)	2	<0.050	0.071
pH <sup>5</sup>	NS	7.08	8.28

**Notes**

<sup>1</sup>Monitoring for nitrate is required due to health concerns associated with elevated nitrate levels (>10 mg/L) in drinking water.

<sup>2</sup>Monitor for iron and manganese with a 0.3 mg/L threshold for both based on the MA Drinking Water Standards.

<sup>3,4</sup>Monitoring for perchlorate is required due to the use of nitrogen-based explosives at the quarry. Perchlorate may be present in nitrogen-based explosives as an impurity or contained in detonators. The Massachusetts Drinking Water Standard for perchlorate is 2 ppb (equivalent to 2 ug/L).

<sup>5</sup>Monitoring for pH is required to help in identifying if surface waters (with relatively higher pH) are mixing with the groundwater (with relatively lower pH) via bedrock fractures.<sup>1</sup>

<# - Non-Detect above listed laboratory reporting limit; NS - No Standard

In summary, PJ Keating complied with sampling and testing for the required bedrock well water quality parameters specified in the most recently issued Special Permit. Most of the water quality monitoring results were in compliance with the specified benchmarks or threshold levels detailed in the Special Permit, with the exception of iron and manganese in bedrock monitoring wells MW-1 and MW-4 on Site. Tighe & Bond requested groundwater sampling field logs from PJ Keating to confirm procedures followed during sampling, however such logs are not required by the Special Permit. PJ Keating was able to confirm that the monitoring wells were purged for approximately one hour prior to sampling.

Iron concentrations in both wells, and manganese in MW-4 were found to be in exceedance of the Drinking Water threshold identified in the permit of 0.3 mg/L. Iron and manganese are naturally occurring elements commonly encountered in bedrock water supply wells. Iron and manganese in drinking water are generally not considered health concerns, but can adversely affect the look and taste of the water; they can lead to staining on plumbing fixtures, and could cause a metallic taste.

<sup>5</sup> According to the 2020 Standards and Guidelines for Contaminants in Massachusetts Drinking Waters, the Secondary Maximum Contaminant Level (SMCL) guideline for pH is 6.5-8.5 standard pH units. This range of values is set to avoid adverse aesthetic impacts. <https://www.mass.gov/doc/2020-standards-and-guidelines-for-contaminants-in-massachusetts-drinking-waters/download>

Nitrate and perchlorate were both detected in the groundwater wells. Although the levels do not exceed benchmark thresholds, the presence of these elements above laboratory Reporting Limits (RLs) for the analyses indicates that the quarry operation is having an impact on groundwater quality in the immediate vicinity of the quarry. Based on these results, Tighe and Bond recommends that sampling be repeated in 2024 in accordance with the Special Permit at MW-1 and MW-4 deep bedrock wells for nitrites, iron, manganese, perchlorate, and pH.

### **Deepest Point of Open Excavation**

Condition 31 in the Special Permit to Remove Earth Products issued November 26, 2022 stipulates that the deepest point of open excavation may not encroach within 20 feet above the deepest bedrock groundwater monitoring well, and as the excavation progresses, that new deeper bedrock monitoring wells will need to be installed before this threshold is exceeded. PJ Keating has stated to the Town that they do not expect to reach this depth threshold within the quarry until 2025 at a minimum.

### **Vernal Pool Field Investigations**

Vernal pool field investigations were conducted during the spring 2023 vernal breeding season for obligate vernal pool species. During the Spring 2023 field investigations, a vernal pool was deemed present. As a result, an application for vernal pool certification is expected to be submitted shortly by Caron Environmental on behalf of PJ Keating to the Massachusetts Natural Heritage and Endangered Species Program (NHESP). PJ Keating reported that several statements have been made to CEI and the Town that there are no activities presently or planned in the vicinity of the vernal pool. PJ Keating will inform the Town once the vernal pool is Certified by NHESP.

### **Corrective Actions**

There were no Corrective Actions noted during this inspection.

In closing, the operation of the facility as observed during the quarterly inspection is in general conformance with the Special Permit to Remove Earth Products, effective November 26, 2022, through November 25, 2024. The next routine inspection is scheduled for Fall 2023.

If you have any questions, please contact me at [mbegag@tighebond.com](mailto:mbegag@tighebond.com) or (978) 394-2652 or Kayla Larson at [KMLarson@tighebond.com](mailto:KMLarson@tighebond.com) or (508) 471-9610.

Sincerely,

**TIGHE & BOND, INC.**



Mehdi Begag, E.I.T.  
Staff Engineer



Kayla M. Larson, P.E.  
Project Manager

### **Attachments:**

- Appendix A – Field Inspection Form
- Appendix B – Roadway Dust Suppression Documentation
- Appendix C – Special Permit to Remove Earth Products



Appendix D – February 2023 PJ Keating Letter to Select Board  
Appendix E – Site Plan

Enclosures

Copy: Lancaster Select Board (w/encl)

Mike Silva, Building Inspector/Zoning Enforcement Officer (w/encl)

Doug Vigneau, P.J. Keating Company (w/encl)

Cody Delaney, P.J. Keating Company (w/encl)

Robert Robinson, P.J. Keating Company (w/encl)

Stephen Mullaney, S.J. Mullaney Engineering (w/encl)

File (w/encl)

\\TIGHEBOND.COM\DATA\DATA\PROJECTS\W\W3440 LANCASTER\KEATING\INSPECTION REPORTS\2023-09-07\KEATING INSP REPORT 2023-09-07.DOCX

## **APPENDIX A**



Town of Lancaster, Massachusetts  
Special Permit to Remove Earth Products  
Inspection Form

Facility: PJ Keating  
Inspection Date: 9/2/2023  
Inspector: M.R

Earth Removal Operation is in Permit Compliance ☒ Y ☐ N

Contact:	Moe Langlois P.J. Keating, Co. 988 Lunenburg Road Lunenburg, MA 01462 (978) 582-5240; Cell: (978) 855-5923	Cody Delaney Keating, Co. 988 Lunenburg Road Lunenburg, MA 01462 (978) 502-6097	P.J.
----------	---	---	------

Active Cell: Fourth bench on North side of Site

Depth of Excavation: ~ 180-190' Comment: Estimated current depth according to Cody Delaney

Description of Current Activities:

- Activity focused on 4<sup>th</sup> bench on North side of Site
- Blasting last occurred day before inspection, 30,000 tons of dynamite
- Blasting activities occurring approx. 2-3 times a month
- Excavation activities to continue to base depth (180') North to South

Dust Issues? ☐ Y ☒ N If yes, comment:

Dust Control Measures In Place:

Two water trucks (4,000 and 5,000 volume capacities) operating each day for 12 hrs/day

Erosion and or Stormwater Issues? ☐ Y ☒ N If yes, comment:

Erosion and Stormwater Control Measures In Place:

Site bermed around perimeter. Stormwater sloped to sump at base of quarry.

Town of Lancaster, Massachusetts  
Special Permit to Remove Earth Products  
Inspection Form

Facility: PJ Keating  
Inspection Date: 9/7/2023  
Inspector: M.B

Site Security Issues? ☐ Y ☒ N If yes, comment:

Site Security Measures In Place:

Locking gate and signage in place

Groundwater Separation Compliance? ☐ Y ☐ N Comments:

GW Well #	Well Elev	Depth to GW	GW Well #	Well Elev	Depth to GW
-----------	-----------	-------------	-----------	-----------	-------------

N/A

Meters read by PJ Keating consultant

**SITE RESTORATION**

Restored Grades in Compliance ☐ Y ☐ N If no, comment:

N/A - No restoration at this time

Depth of Loam: \_\_\_\_\_

Vegetation Established? \_\_\_\_\_

Town of Lancaster, Massachusetts  
Special Permit to Remove Earth Products  
Inspection Form

Facility: PJ Keating  
Inspection Date: 9/7/2023  
Inspector: M.B

Other Comments:

Cody Delancy of PJ Keating on Site

Three stormwater sump pump meters on Site:

1) Greyline Stormwater pumping meter:

September 7, 2023: 68,465,437 GAL

2) Greyline Water truck filling station meter:

September 7, 2023: 1,882,874 GAL

3) Greyline laner quarry pumping meter:

September 7, 2023: 69,758,032 GAL



## **APPENDIX B**



August 1, 2022

To: Lancaster Board of Selectman

Re: Roadway Dust Suppression

**Paved Roadways / Unpaved Roadways / Haul Roads**

- PJK shall have a designated employee on site whose responsibility includes wetting the site down with the water truck(s). There will always be at least one water truck at the site. During hot and dry summer months two water trucks are operating, as necessary.
- To control dust, paved and unpaved roadways on-site, including quarry haul roads, are wetted regularly with the water trucks throughout the day. This condition does not apply when it is raining or snowing or when there is snow cover on the ground.
- PJK may utilize two water trucks on site and at the roadway crossing on Fort Pond Road (Route 70). PJK also conducts early morning (5:30 AM) spray down of the road crossing, as necessary. PJK does not wet the road crossing during periods of heavier traffic as travellers do not want spray wash on their vehicles; therefore, water suppression is concentrated on either side of the haul roads and sweeping the cross way, thereafter.
- When the plant is in operation, paved roadways on site are swept continuously throughout the day. This condition does not apply when it is raining or snowing or when there is snow cover on the ground.
- The water used to fill the water truck will come from the quarry floor, which is typically clearer than other retention ponds. Using this water for dust control on site reduces the potential for dust creation from less clean sources.
- Speed limit signs of 15 mph are posted throughout the site. A speed limit of 10 mph shall be posted near the scale house. Speed limit shall be enforced by PJK personnel. Those who exceed the speed limit will be warned. Incidents from repeat offenders will be reviewed on a case-by-case basis.

**P. J. Keating**  
998 Reservoir Road  
Lunenburg, MA 01462

T +1 (978) 582 5200  
F +1 (978) 582 7027

[www.pjkeating.com](http://www.pjkeating.com)





**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

**In accordance with Article IX of the Zoning Bylaws, the Board of Selectmen hereby grants to the Applicant a Special Permit to remove earth products, subject to the conditions noted herein.**

**Name of Applicant/Grantee:** P. J. Keating Company

**Address of Applicant/Grantee:** 998 Reservoir Rd., Lunenburg, MA 01462

**Company Name:** Same

**Company Address:** Same

**Permit Issue Date:** November 26, 2022

**Permit Expiration Date:** November 25, 2024

**Conditions:**

1. **Description of Area:** All earth removal and related site work shall be in accordance with the approved Earth Removal plans for P. J. Keating Company, dated January 19, 2005 and revised through January 22, 2010, as prepared by S. J. Mullaney Engineering, Inc., and the Short-Term Mine Plan, dated January 28, 2022 as modified by the terms and conditions of this Special Permit.
2. When Keating's active mining use of the quarry is completed, the Town or its representative will conduct a site assessment of vegetation establishment and supporting soil conditions within a minimum of 25 feet of the shoreline of the end-use quarry pond and all disturbed non-bedrock surfaces. Areas where existing vegetation has established with a minimum areal coverage of 75% will not require additional soil or plantings. In areas determined by the Town to require restoration, soils shall be restored with a minimum depth of nine inches of loam with a minimum organic content of 4-6% by weight. These areas shall be restored upon completion of the earth removal authorized by this special permit. These areas shall be hydroseeded and the planted area shall be protected from erosion during the establishment period using weed-free straw mulch or an appropriate erosion control mat based on site-specific slopes. Areas that wash out shall be repaired immediately. During the site assessment, the Town or its representative will specify any areas requiring planting of trees or shrubs to provide screening and reduce erosion during the vegetation establishment period. Tree and shrub plantings shall be species native to the Northeastern U.S. and from a list submitted by the Applicant and approved by the Town. In areas where trees or shrubs will be planted, a minimum topsoil depth of 18 inches is required, with a minimum 18 inches of subsoil to allow for an adequate rooting zone for woody species. Spacing for trees and shrubs shall be specified 8-feet on center for



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

tree species and 5-feet on center for smaller shrub species.

3. No top or subsoil shall be removed from the site.
4. Provisions for dust control shall be in place prior to commencement of the earth removal operations. Abutting public right-of-ways and abutters shall be kept clear of construction debris and dust.
5. Dust Control measures shall be undertaken as specified in the document from Keating dated August 1, 2022 with the subject *Roadway Dust Suppression – Paved Roadways/ Unpaved Roads/ Haul Roads*.
6. Active work areas shall be in accordance with the approved plans.
7. All restoration work shall be completed within 365 days after expiration of a permit or upon cessation of operations within any phase.
8. A maximum non-bedrock slope of three foot horizontal to one foot vertical (3:1) is required; 4:1 within any buffer zone of a resource area as shown on the approved plans.
9. The hours and days for which trucks are allowed to remove earth materials from the site shall be limited to 7:00 am – 5:00 pm Monday through Friday and 8:00 am – Noon on Saturdays, except for Federal and State Holidays. Such removal is also allowed Noon – 5:30 pm on each Saturday for which the permit holder so notifies the Town Clerk by electronic mail before the close of business on the previous Wednesday, for Town Clerk posting on the Town web site. The hours of blasting shall be limited to 9:00 am – 2:00 pm. Alteration of this time schedule may be accomplished only by prior approval of the Board of Selectmen.
10. All entrances to the facility shall be gated and locked to prevent unauthorized entry during nonworking hours. Proper signage must also be posted within the site to advise drivers of site conditions. Truck entering signs shall also be erected along the abutting right-of-ways to warn motorists of truck traffic from the site. A 6-foot fence shall surround the property to be completed by August 20, 2022.
11. No quarry access from Lancaster public ways and no access across Lancaster public ways between parcels of the applicant/grantee's properties shall occur.
12. A metered pump shall be used to remove stormwater from the quarry drainage sump hole. Data collected monthly shall be provided to the Town on a quarterly basis, or more frequently as requested by the Board of Selectmen, to demonstrate that sustained continuous pumping over extended periods of varying weather conditions, a monitoring indicator of the proximity of the bedrock water table, is not occurring. A minimum of two flow meters shall be used to record flow measurements to ensure



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

consistency of reported pumped stormwater flow. These flow meters shall be maintained in working order to collect the required monthly monitoring data. A minimum depth to groundwater separation of 6-feet shall be maintained at all times. Areas which fall within the Town's water resource overlay district shall maintain a minimum depth to groundwater separation of 10-feet.

13. Provide a minimum of three (3) permanent benchmarks with elevations for the operation.
14. The land shall be left so that natural storm drainage leaves the property at the original natural drainage points and so that the total discharge at peak flow, and the area of drainage at anyone point, is not increased, and so that the hydrograph of any post-development receiving body of water is the same as that of the pre-development hydrograph per the approved plans.
15. No stumps shall be buried on-site.
16. A Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account in the amount of \$500,000 shall be provided to the Town prior to commencement of any work authorized under this special permit in order to secure compliance with the terms and conditions hereof. The Surety Bond, Irrevocable Standby Letter of Credit, or Cash Account shall remain in effect during the term of the Special Permit.
17. The excavations, fills or side cuts shall be set back a minimum of one hundred (100) feet from the abutter's property lines or public right-of-way.
18. No areas, except the end-use quarry pond, should be excavated so as to cause accumulation of standing water. Excavation areas, except the end-use quarry pond, shall be graded to provide positive drainage in accordance with the approved stormwater management plan.
19. Agent(s) assigned by the Board of Selectmen shall conduct inspections. All costs for outside consultant services used for inspection purposes shall be paid for by the permit holder. Funds shall be deposited into a Consultant Review Account. Inspections shall be scheduled once during each spring, each summer and each fall during peak operations and as needed during off-peak operations (e.g., winter season), or more often as reasonably required by the Town's consultant.
20. If any conditions of this permit are violated, the permit is subject to revocation by the Board of Selectmen following a hearing.
21. This permit shall not be assigned to any other person other than the person or entity named herein, unless authorized in writing by the Board of Selectmen.
22. By exercising this special permit, the permit holder agrees to permit reasonable access onto the subject premises by the agents and employees of the Lancaster Board of Selectmen for inspection



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

purposes consistent with the requirements of Condition 19.

23. By exercising this special permit, the permit holder agrees that he will not excavate in such a manner as to leave dangerous and unsightly conditions on the premises as a result of the excavation.
24. Earth removal plan sheet 3 depicts the restoration of overburden berms to form the shoreline of the end-use quarry pond at the completion of the earth product removal. Portions of the berm restoration appear to be located within the graphical Flood Zone A. The permit holder shall furnish the Board of Selectmen with a copy of Conservation Commission determinations and/or orders, if so required, when the permit holder undertakes such restoration. Alternatively, the permit holder may furnish the Board of Selectmen with a revised sheet 3 depicting the overburden berms relocated outside the limits of the graphical Zone A.
25. The permit holder shall continue to undertake a hydrogeologic study that shall continue for the duration of the earth product removal operation. To facilitate the continuation of the long term hydrogeologic monitoring program the permit holder shall collect a minimum of monthly measurements of the groundwater water table and behavior in the monitoring wells, continuous weather station measurements, monthly stormwater flow measurements for the lower quarry and upper quarry flow meters, and monthly measurements of the sump water elevation for the duration of the earth product removal operation. Pressure transducers shall be implemented within groundwater monitoring wells to monitor groundwater water table behavior at hourly increments. Upon failure of any pressure transducers, the permit holder has 90-days to replace the equipment. These measurements shall be provided to the Board of Selectmen quarterly, or more frequently as requested by the Board of Selectmen, and these measurements shall be reviewed by the Town's consultant as requested by the Town. All costs for outside consultant services used for inspection, data review, comment, and recommendation purposes shall be paid for by the permit holder. The hydrogeologic study shall be modified, when needed, based on recommendations by the Board's consultant.
  - a. An additional shallow bedrock well and deep bedrock well shall be installed at the "old" MW4 location, or just south of that location, to monitor groundwater levels and flow directly eastward from the quarry. These wells shall be installed and shall be instrumented with hourly reporting pressure transducers by April 15, 2023.
  - b. In-Situ Level TROLL® 400 pressure transducers have been recently installed (April 2022) in the monitoring wells. Scheduled maintenance of these instruments is critical to sustain their accuracy and longevity. Permit conditions related to maintenance are as follows:
    - i. Scheduled maintenance shall be conducted as described in the In-Situ Operator's Manual in order to sustain the accuracy and longevity of the probes and the cables.





**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

- ii. The transducers shall be checked monthly for the first year of operation to ensure they are working properly and on a quarterly basis thereafter.
  - iii. The monitoring visits shall include equipment inspections and documentation that the transducers are in the correct position, have been collecting measurements, that measurements are recording properly, and that the battery life as displayed in the Win-Situ software is sufficient.
  - iv. The transducers shall undergo factory maintenance and calibration every year in May and proof of calibration shall be submitted to the Town for review.
26. Water quality monitoring shall be conducted for stormwater effluent and bedrock monitoring wells as specified below in Table 1.





**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

**Table 1: Required Water Quality Monitoring**

Parameter	Description	Monitoring Frequency
Stormwater Effluent Monitoring <sup>1</sup>		
Turbidity	Turbidity monitoring is required as a condition preceding pumping from the quarry settling basin, with an effluent discharge limit of 25 NTU.	Prior to pumping from the quarry settling basin.
Nitrate	An initial (year 1) benchmark monitoring round (quarterly sampling) for nitrate is required, with a benchmark of 5 mg/L.	Monitor quarterly for first year, with future monitoring requirement based on year 1 results. If a sample cannot be obtained in a given quarter (i.e., due to lack of pumping based on precipitation), the quarterly monitoring schedule shall be extended until monitoring can be conducted in 4 separate quarters.
Total Metals	An initial (year 1) screening sampling round (quarterly sampling) is required for total metals (arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc). Criteria for each parameter is based on the Fresh Water Aquatic Life Criteria found as listed in the Massachusetts Surface Water Quality Standards.	
Bedrock Monitoring Wells		
Nitrate	Monitoring for nitrate is required due to health concerns associated with elevated nitrate levels (>10 mg/L) in drinking water.	Monitoring is required for bedrock monitoring wells MW1 and MW4. One round of deep bedrock samples from these wells shall be used to determine if additional future monitoring is required.
Iron and Manganese	Monitor for iron and manganese with a 0.3 mg/L threshold for both based on the MA Drinking Water Standards.	
Perchlorate	Monitoring for perchlorate is required due to the use of nitrogen-based explosives at the quarry. Perchlorate may be present in nitrogen-based explosives as an impurity or contained in detonators. The Massachusetts drinking water standard for perchlorate is 2 ppb.	
pH	Monitoring for pH is required to help in identifying if surface waters (with relatively higher pH) are mixing with groundwater (with relatively lower pH) via bedrock fractures.	

**Table 1 Notes:**

1. Stormwater monitoring for total metals and nitrate shall be conducted 5 feet downstream from Discharge Point 001. Turbidity monitoring shall be conducted in the quarry settling basin prior to pumping.



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

27. The permit holder shall submit a hydrogeologic assessment and water quality monitoring report annually by February 15th. The report shall include at a minimum the most recent year of monitoring data collected per Condition 25 and Condition 26. The monthly and yearly quarry stormwater flow measurements shall also be provided and a comparison between the precipitation and the stormwater flow shall be included within the annual report. The Town's consultant will review the annual reports and all costs for outside consultant services for the annual report review and comment purposes shall be paid for by the permit holder.
28. Repair and/or additional installation of monitoring equipment may be requested by the Board of Selectmen based on suggestions made by the Town's consultant from their review of hydrogeologic monitoring data and their recommendations for the long-term hydrogeologic monitoring program. The applicant will be responsible to repair or install the requested monitoring equipment prior to the next occurring quarterly inspection.
29. The permit holder shall provide the Board of Selectmen with an updated existing active rock quarry conditions plan and updated removal volume projections with each permit renewal. The removal volume projections shall include an estimated volume to be removed through the permit expiration date as well as the estimated volume removal through final completion of earth removal activities.
30. The permit holder shall biennially submit an application for permit renewal in the manner prescribed in the Zoning and/or General Earth Product Removal Bylaw then in effect.
31. The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well, including the additional required monitoring well near "old" MW4 (or midway between MW3 and MW4). Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations.
32. Vernal pool field investigations shall be conducted during the spring 2023 vernal breeding season for obligate vernal pool species. The Town shall be notified at least one week prior to these field investigations to allow for observation by a Town representative. If vernal pool conditions are documented, an application for vernal pool certification shall be submitted to the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

**Date of Public Hearing:** Waived

**Location:** N/A

**Notice of Hearing, Names of newspapers:** N/A

**Date of Public Notice:** N/A

**Certified List of Abutters:** N/A



**TOWN OF LANCASTER, MASSACHUSETTS  
BOARD OF SELECTMEN  
SPECIAL PERMIT TO REMOVE EARTH PRODUCTS**

**DECISION FINDINGS:**

With respect to the Special Permit, the Board finds, after soliciting and reviewing comments from other Town boards, departments, agencies, staff, and interested persons that reasonable measures have been or will be taken to:

- (a) Ensure that all requirements applicable to the special permit are fulfilled;
- (b) That the specific site is an appropriate location for the uses proposed;
- (c) That there is safe access from roads adequate for the traffic expected, adequate parking is provided and internal circulation is adequate for emergency vehicles;
- (d) That the Board of Health requirements for water and sanitation arrangements will be followed;
- (e) That the use as developed and operated will not adversely affect the neighborhood;
- (f) That the purposes of the Bylaw are substantially met.

The Board of Selectmen, the Permitting Authority, hereby grants this Permit on behalf of the Town of Lancaster.

**BOARD OF SELECTMEN:**

  
Stephen J. Kerrigan, *Chairman*

Date: November 7, 2022





February 6, 2023

Lancaster Board of Selectman  
Prescott Building  
701 Main Street  
Lancaster, MA 01523

Re: P.J. Keating Company Special Permit to Remove Earth Products

Dear Chairman Kerrigan and Members of the Select Board:

P.J. Keating Company (PJK) is writing to acknowledge receipt (by email) of the referenced Special Permit on January 10, 2023. The Permit states an issuance date of November 26, 2022 and expiration date of November 25, 2024. PJK appreciates the Board's time and effort involved in the issuance of this Special Permit.

PJK wishes to bring to the Board's attention to Condition 25 a. "An additional shallow bedrock well and deep bedrock well shall be installed at the "old" MW4 location, or just south of that location, to monitor groundwater levels and flow directly eastward from the quarry. These wells shall be installed and shall be instrumented with hourly pressure transducers by April 15, 2023."

Condition 31: "The deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well, including that additional required monitoring well near "old" MW4 or midway between MW3 and MW4). Upon reaching this threshold, new monitoring wells shall be installed to deeper elevations."

PJK is committed to installing four (4) additional bedrock wells as well as a shallow bedrock well at the old MW4 location. It is PJK's understanding the new wells would be required to be installed at such time prior to deepening the quarry floor so that at all times "[T]he deepest point of open excavation shall be no deeper than 20-ft above the elevation of the deepest groundwater monitoring well...". Or otherwise stated, the deepest bedrock wells shall have a finished depth of at least 20-feet below the deepest quarry excavation. Again, PJK is fully committed to meeting this condition.

It was and is PJK's understanding that the installation of the wells is required at such time as the quarry excavation depth warrants the additional wells as stated in Condition 31 and does not recall that a date certain (April 15, 2023) was discussed and/or agreed to. PJK hopes that the Board recognizes that the installation these new wells comes at significant expense (\$200,000+) and needs to be scheduled as a capital expenditure with PJK's parent company, CRH, along with a definitive schedule on timing and finished floor elevation. PJK is not at the point to go lower in the quarry at this time and likely will not be prepared to do so until at least 2025.

**P. J. Keating**  
998 Reservoir Road  
Lunenburg, MA 01462

T +1 (978) 582 5200  
F +1 (978) 582 7027

[www.pjkeating.com](http://www.pjkeating.com)



However, PJK will commit to install the wells sometime in 2023 when drilling can be arranged but this is unlikely to occur before April 15, 2023. Therefore, PJK respectfully requests that the deadline date articulated in Condition 25 a. be replaced with 'during the 2023 calendar year'.

PJK appreciates the Board's consideration in this matter and as always PJK is available to meet with the Board at its request.

Sincerely,  
P.J. Keating Company

*Robert Robinson*

Robert Robinson, VP-Aggregate Operations

**P. J. Keating**  
998 Reservoir Road  
Lunenburg, MA 01462

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[www.pjkeating.com](http://www.pjkeating.com)

## **APPENDIX E**









## **APPOINTMENTS AND RESIGNATIONS**

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## Kathi Rocco

---

**From:** Kate Hodges  
**Sent:** Thursday, March 7, 2024 3:06 PM  
**To:** 07winsor  
**Cc:** Kathi Rocco  
**Subject:** RE: Shawn Winsor

Thank you for all your hard work and dedication, Shawn. I think you have done more than what would ever be expected of anyone, and we are all better for it, I am sure. Best of luck in the new job and with the move! Congratulations to you!

Kathi will put this on the next SB's agenda.

Kate Hodges, ICMA-CM  
Town Administrator, Lancaster MA  
978-365-3326

-----Original Message-----

From: S Winsor <07winsor@gmail.com>  
Sent: Thursday, March 7, 2024 7:40 AM  
To: tomslanasterma <tomslanasterma@comcast.net>; Kate Hodges <KHodges@lanasterma.gov>  
Cc: Jklavallee <jklavallee@comcast.net>; cornfields7 <cornfields7@hotmail.com>; Brian Keating <BKeating@lanasterma.gov>; dhubbard.tol <dhubbard.tol@gmail.com>  
Subject: Shawn Winsor

Good Morning Ms. Hodges and Chairman Seidenberg:

It is with deep regret that I have to inform you and the Selectboard I have been offered an opportunity which will require my relocation out of state.

As a result will require my letter of resignation from the Lancaster Conservation Commission.

My fellow commissioners, agents, and our planning director had been noteworthy guides to get up to speed quickly and efficiently to participate in a board which personifies professionalism and compassion.

This personally regretful resignation culminates eighteen years of town service to my hometown; serving on various committees and boards.

First serving on the Recreation Board when I turned eighteen.

I'd suggest I've given my "pound of flesh"

I strongly suggest to any resident if they really want to know how their community operates or how hard our towns employees work every day, get involved with a board or committee.  
It's certainly more accurate and informative than social media.

Respectfully:  
Shawn Winsor  
Lancaster MA.



# TOWN OF LANCASTER

## BOARD OF HEALTH

701 Main Street, Suite 6  
Lancaster, MA 01523

Tel: (978) 365-3326 ext. 1086  
Fax: (978) 368-4009

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January 5, 2023

To: Town Administrator and Select Board

It has been brought to the attention of the Lancaster Board of Health (BOH) that the James Monroe Wire & Cable Corporation is potentially being allowed by the DEP to donate a portion of their recently penalized fines to the Town, in lieu of payment to the DEP. The BOH is requesting that the Town Administrator and Select Board consider receiving the fines in the form of a donation and decide how the funds might be allocated for the benefit of the Town and its residents.

The background information around the penalties are as follows:

Sometime before the pandemic, the DEP conducted an unannounced inspection of James Monroe Wire & Cable Corporation, 767 Sterling Rd, Lancaster, MA 01523. While there was no spill or imminent danger to the environment, several violations were found. The DEP conducted a hearing with David Fisher, owner of the company on December 7, 2023, and reached a conclusion of certain findings resulting in financial penalties. The DEP is allowing the owner to pay what normally would be a \$16,000 fine to the DEP to the Town of Lancaster in the sum of \$12,132 (additional funds to be paid by Mr. Fisher to the DEP for their administrative fees). The idea is that the \$12,132 would be used by the Town for costs associated with hazardous waste related matters.

If the Town agrees to receive these funds, the following are ideas from the BOH:

1. Allocated funds to needed projects, such as might exist for DPW, Fire, Police, or other Town agencies.
2. Allocate funds to pay for residents to bring home-based hazardous waste products to a certified collection agency, such as New England Disposal Technologies, Inc. (NEDT), or another such company. Essentially, no centralized pickup of materials would be feasible per NEDT but residents could transport certain specified materials to one of two NEDT sites for disposal. The cost, normally borne by individual residents, could hypothetically be paid for from these funds.

The Board of Health would like you to consider accepting these funds to be used as noted above. I am happy to attend a SB meeting or any other forum to discuss further as you wish.

Thank you,

Jeff Paster

# COMMUNICATIONS

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## ADJOURNMENT

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